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THE
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WEEKLY LAW REPORTS
AND
RESTRICTIVE PRACTICES REPORTS

Consolidated Index
1961—1970

EDITED BY

C. J. Ellis, *Barrister-at-Law* and **M. A. Froome**

THE INCORPORATED COUNCIL OF LAW REPORTING
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3 STONE BUILDINGS, LINCOLN'S INN, LONDON, WC2A 3XN

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PREFACE

This Index covering cases reported from 1961 to 1970 is the continuation volume to the Index for 1951 to 1960 published by the Council of Law Reporting to enable practitioners to find any reported cases with the maximum of speed and the minimum of effort.

The Index based on *The Law Reports, The Weekly Law Reports* and *The Restrictive Practices Reports* incorporates references for all series of full reports including

All England Law Reports
Criminal Appeal Reports (from volume 53)
Knight's Industrial Reports
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Local Government Reports
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Tax Cases and Tax Case Leaflets

Thus the table of Cases Reported gives references for all of those series so that this Index may be used in conjunction with any of them.

The table of Subject-Matter covers all cases reported in the Council's own series and includes references to most cases appearing exclusively in the specialist reports; it contains comprehensive cross-references. Following the Subject-Matter the reader will find Indexes for Cases, Statutes, Statutory Instruments, Standard Forms of Contract and Overseas Enactments Judicially Considered. Thus if a judge has said anything in any report covered by this Index which might be argued to affect the weight or effect of any previous decision, or the meaning of any enactment, a reference will be found in the appropriate table to the previous decision or enactment. **The table of Cases Judicially Considered is not limited to decisions mentioned in the headnotes of the reports.**

The more recent decisions are often the most difficult to find and the Index will continue to be brought up to date week by week in *The Weekly Law Reports* supplemented by periodic " pink books " sent to *Weekly Law Reports* subscribers and by " red books " in which the Index as from January 1, 1971, will be consolidated anew at the end of each year.

C. J. E.

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Boss *v.* Kingston [1963] 1 W.L.R. 99; [1963] 1 All E.R. 177; 61 L.G.R. 109; [1962] 2 Lloyd's Rep. 431, D.C.

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Bowtell *v.* Thames Steam Tug & Lighterage Co. Ltd. [1962] 1 Lloyd's Rep. 639

Boxco Ltd., *In re* [1970] Ch. 442; [1970] 2 W.L.R. 959; [1970] 2 All E.R. 183

Boxes Ltd. *v.* British Waterways Board [1970] 2 Lloyd's Rep. 434

Boyd *v.* Boyd [1967] 1 W.L.R. 122; [1966] 3 All E.R. 768, C.A.

Boyd *v.* Easington Rural District Council [1963] 1 W.L.R. 1281; [1963] 3 All E.R. 747; 62 L.G.R. 109

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Practice Direction (Dock Brief) [1964] 1 W.L.R. 857; [1964] 2 All E.R. 400
Practice Direction (Estimated Length of Hearing) [1963] 1 W.L.R. 326; [1963] 1 All E.R. 766
Practice Direction (Evidence: Affidavit by Spouse) [1967] 1 W.L.R. 698; [1967] 2 All E.R. 184
Practice Direction (Evidence by Doctors) [1965] 1 W.L.R. 1159; [1965] 3 All E.R. 80
Practice Direction (Evidence: Family Provision and Infant Matters) [1967] 1 W.L.R. 698; [1967] 2 All E.R. 299; [1967] 1 Lloyd's Rep. 386
Practice Direction (Evidence: Written Statements) [1969] 1 W.L.R. 1862; [1969] 3 All E.R. 1033; 54 Cr.App.R. 29, C.A.
Practice Direction (Exhibits) [1962] 1 W.L.R. 933; [1962] 2 All E.R. 992
Practice Direction (Expedition of Decree Absolute) [1962] 1 W.L.R. 1048; [1962] 3 All E.R. 67
Practice Direction (Expedition of Decree Absolute) [1964] 1 W.L.R. 1473; [1964] 3 All E.R. 775
Practice Direction (Expedition of Hearing: Undefended Cause) [1965] 1 W.L.R. 339; [1965] 1 All E.R. 340
Practice Direction (Extension of Patent) [1961] 1 W.L.R. 938; [1961] 2 All E.R. 625
Practice Direction (Extension of Term of Patent) [1963] 1 W.L.R. 812; [1963] 2 All E.R. 1048
Practice Direction (Family Provision: Extension of Time) [1967] 1 W.L.R. 624; [1967] 1 All E.R. 832
Practice Direction (Family Provision: Extension of Time: Interim Orders) [1967] 1 W.L.R. 431; [1967] 1 All E.R. 432; [1967] 1 Lloyd's Rep. 96
Practice Direction (Finding of Adultery: Subsequent Proof) [1969] 1 W.L.R. 1192; [1969] 2 All E.R. 873
Practice Direction (Fixed Dates for Undefended Divorces) [1963] 1 W.L.R. 1390; [1963] 3 All E.R. 827
Practice Direction (Greater London) [1965] 1 W.L.R. 541; [1965] 1 All E.R. 899
Practice Direction (Greater London: Divorce) [1965] 1 W.L.R. 559; [1965] 1 All E.R. 1039
Practice Direction (Guardianship: Legal Aid Appeals) [1969] 1 W.L.R. 1258; [1969] 2 All E.R. 1220; [1969] 1 Lloyd's Rep. 587
Practice Direction (Guardianship: Minors' Estates) [1970] 1 W.L.R. 651; [1970] 1 All E.R. 885
Practice Direction (Guardianship of Infants) [1967] 1 W.L.R. 897; [1967] 2 All E.R. 1232; [1967] 1 Lloyd's Rep. 640
Practice Direction (Homicide: Indictment) [1964] 1 W.L.R. 1244; [1964] 3 All E.R. 509, C.C.A.
Practice Direction (House of Lords: Authorities) [1966] 1 W.L.R. 1613; [1967] 1 All E.R. 128, H.L.
Practice Direction (House of Lords: Authorities) (No. 2) [1969] 1 W.L.R. 949; [1969] 2 All E.R. 874; [1969] 1 Lloyd's Rep. 586, H.L.

Practice Direction (House of Lords: Bound Cases) [1965] 1 W.L.R. 705; [1965] 2 All E.R. 239; [1965] 1 Lloyd's Rep. 563, H.L.
Practice Direction (House of Lords: Bound Cases) (No. 2) [1966] 1 W.L.R. 1603; [1966] 3 All E.R. 720; [1966] 2 Lloyd's Rep. 494, H.L.
Practice Direction (House of Lords: Brief Fee) [1970] 1 W.L.R. 979; [1970] 2 All E.R. 293, H.L.
Practice Direction (House of Lords: Documents) [1964] 1 W.L.R. 424; [1964] 2 All E.R. 509; [1964] 1 Lloyd's Rep. 156, H.L.(E.)
Practice Direction (House of Lords: Judicial Direction 32 (ii) [1968] 1 W.L.R. 986; [1968] 2 All E.R. 606; [1968] 1 Lloyd's Rep. 545, H.L.
Practice Direction (House of Lords: Judicial Direction 32) [1969] 1 W.L.R. 101; [1969] 1 All E.R. 156, H.L.
Practice Direction (House of Lords: Judicial Fees) [1970] 1 W.L.R. 979; [1970] 1 All E.R. 1116, H.L.
Practice Direction (House of Lords: Leap-Frog Procedure) [1970] 1 W.L.R. 97; [1970] 1 All E.R. 59; [1969] 2 Lloyd's Rep. 600, H.L.
Practice Direction (House of Lords: Leave to Appeal Out of Time) [1966] 1 W.L.R. 1084, H.L.
Practice Direction (House of Lords: Patent Appeals) [1970] 1 W.L.R. 1529; [1970] 3 All E.R. 804, H.L.
Practice Direction (House of Lords: Petitions) [1970] 1 W.L.R. 1218; [1970] 3 All E.R. 70; 54 Cr.App.R. 459, H.L.
Practice Direction (House of Lords: Preparation of Case and Documents) [1969] 1 W.L.R. 945; [1969] 2 All E.R. 875; [1969] 1 Lloyd's Rep. 584, H.L.(E.)
Practice Direction (House of Lords: Wigs) [1965] 1 W.L.R. 727
Practice Direction (Infant Matters) [1966] 1 W.L.R. 1368; [1966] 3 All E.R. 84; [1966] 2 Lloyd's Rep. 152
Practice Direction (Infants: Avoidance of Delay) [1966] 1 W.L.R. 1217; [1966] 2 All E.R. 1040; [1966] 2 Lloyd's Rep. 51
Practice Direction (Infants in Care of Local Authority) [1962] 1 W.L.R. 1083; [1962] 3 All E.R. 464
Practice Direction (Infant's Money: Transfer to County Court) [1965] 1 W.L.R. 908; [1965] 2 All E.R. 332; [1965] 1 Lloyd's Rep. 563
Practice Direction (Land Registration: Judgment Creditor) [1970] 1 W.L.R. 1158; [1970] 3 All E.R. 70
Practice Direction (Leave to Appeal against Sentence) [1961] 1 W.L.R. 1321; [1961] 3 All E.R. 522, C.C.A.
Practice Direction (Legal Aid: Costs) [1961] 1 W.L.R. 135; [1961] 1 All E.R. 64
Practice Direction (Legal Aid: Direction to Tax Costs) [1968] 1 W.L.R. 988; [1968] 2 All E.R. 443
Practice Direction (Legal Aid: Scope of Certificate) [1966] 1 W.L.R. 23; [1965] 3 All E.R. 732
Practice Direction (Legitimation: Application for a Grant) [1965] 1 W.L.R. 955; [1965] 2 All E.R. 560
Practice Direction (Limited Companies' Change of Name) [1965] 1 W.L.R. 120; [1965] 1 All E.R. 43
Practice Direction (Listing Summonses by Number) [1965] 1 W.L.R. 1068; [1965] 2 All E.R. 724
Practice Direction (Married Women's Property Act, 1882: Originating Summons) [1968] 1 W.L.R. 772; [1968] 2 All E.R. 116
Practice Direction (Masters' Practice Directions) [1970] 1 W.L.R. 472; [1970] 1 All E.R. 553; [1970] 1 Lloyd's Rep. 52
Practice Direction (Masters' Sittings) [1965] 1 W.L.R. 152
Practice Direction (Matrimonial Appeals from Justices) [1962] 1 W.L.R. 1405; [1962] 3 All E.R. 795
Practice Direction (Matrimonial Causes: Declaration of Validity) [1966] 1 W.L.R. 56; [1965] 3 All E.R. 916
Practice Direction (Matrimonial Homes: Registration of Charge) [1968] 1 W.L.R. 365; [1968] 1 All E.R. 456
Practice Direction (Matrimonial Homes Act, 1967, s. 1: Practice) [1968] 1 W.L.R. 772; [1968] 2 All E.R. 135
Practice Direction (Medical Inspection: Evidence) [1967] 1 W.L.R. 1557; [1967] 3 All E.R. 828
Practice Direction (Medical Inspectors' Fees) [1964] 1 W.L.R. 567; [1964] 2 All E.R. 34
Practice Direction (Medical Inspectors' Fees) [1968] 1 W.L.R. 1889; [1968] 3 All E.R. 708
Practice Direction (Monetary Relief: Discovery) [1966] 1 W.L.R. 1007; [1966] 2 All E.R. 638
Practice Direction (Nullity: Medical Inspection) [1963] 1 W.L.R. 310; [1963] 1 All E.R. 611
Practice Direction (Nullity: Medical Inspector: Attendance and Fees) [1969] 1 W.L.R. 369; [1968] 3 All E.R. 828
Practice Direction (Official Referees) [1968] 1 W.L.R. 1425; [1968] 2 All E.R. 1213
Practice Direction (Official Solicitor: Order Appointing as Guardian ad litem) [1968] 1 W.L.R. 1853; [1968] 3 All E.R. 607
Practice Direction (Order 14: Return Date) [1970] 1 W.L.R. 258; [1970] 1 All E.R. 343
Practice Direction (Orders Drawn up by Chancery Registrars) [1961] 1 W.L.R. 47; [1961] 1 All E.R. 159
Practice Direction (P.D.A.: Decimal Currency) [1970] 1 W.L.R. 1251; [1970] 3 All E.R. 176
Practice Direction (Parties to Wardship Proceedings) [1962] 1 W.L.R. 61; [1962] 1 All E.R. 156; [1962] 1 Lloyd's Rep. 43

Practice Direction (Passing Sentence) [1962] 1 W.L.R. 191; [1962] 1 All E.R. 417, C.C.A.
Practice Direction (Patents: Amendments of Specification) [1965] 1 W.L.R. 1110; [1965] 2 All E.R. 799; [1965] 1 Lloyd's Rep. 604
Practice Direction (Patents Appeal Tribunal) [1969] 1 W.L.R. 1259; [1969] 2 All E.R. 544
Practice Direction (Patent Summonses) [1970] 1 W.L.R. 94; [1970] 1 All E.R. 17; [1969] 2 Lloyd's Rep. 601
Practice Direction (Petition: Address of Petitioner) [1966] 1 W.L.R. 1240; [1966] 2 All E.R. 981
Practice Direction (Petition: Contents) [1968] 1 W.L.R. 782; [1968] 2 All E.R. 88
Practice Direction (Plea of Guilty: Statement of Facts) [1968] 1 W.L.R. 529; [1968] 2 All E.R. 144, C.A.
Practice Direction (Possession Applications by Mortgagees) [1968] 1 W.L.R. 422; [1968] 1 All E.R. 752
Practice Direction (Possession of Land: R.S.C., Ord. 113) [1970] 1 W.L.R. 1250; [1970] 3 All E.R. 240; [1970] 1 Lloyd's Rep. 537
Practice Direction (Price of Forms of Appearance) [1962] 1 W.L.R. 312
Practice Direction (Probate Citations: Non-Contentious) [1969] 1 W.L.R. 1283; [1969] 3 All E.R. 192
Practice Direction (Probate: Domicile) [1961] 1 W.L.R. 253; [1961] 1 All E.R. 465
Practice Direction (Probate: Recognition of Foreign Decree) [1968] 1 W.L.R. 236; [1968] 1 All E.R. 400
Practice Direction (Probate Registry: Size of Documents) [1967] 1 W.L.R. 1558; [1967] 3 All E.R. 848
Practice Direction (Probate: Solicitors' Office Reference) [1970] 1 W.L.R. 1251; [1970] 3 All E.R. 176
Practice Direction (Probate: Summons for Directions) [1963] 1 W.L.R. 657; [1963] 2 All E.R. 483
Practice Direction (Representation: Mental Incapacity) [1962] 1 W.L.R. 738; [1962] 2 All E.R. 613
Practice Direction (Representation: Mental Incapacity) (No. 2) [1969] 1 W.L.R. 301; [1969] 1 All E.R. 494
Practice Direction (Resale Prices: Evidence of Interest) (1966) L.R. 6 R.P. 47; [1966] 1 W.L.R. 346; [1966] 1 All E.R. 544, R.P.Ct.
Practice Direction (Restrictive Practices: Appearance by a Body Corporate) (1966) L.R. 6 R.P. 48; [1966] 1 W.L.R. 347; [1966] 1 All E.R. 581, R.P.Ct.
Practice Direction (Review of Taxation) [1962] 1 W.L.R. 580; [1962] 2 All E.R. 128
Practice Direction (Review of Taxation) (No. 2) [1968] 1 W.L.R. 1144; [1968] 2 All E.R. 635; [1968] 1 Lloyd's Rep. 545
Practice Direction (Rhodesian Grants: Resealing) [1970] 1 W.L.R. 687; [1970] 1 All E.R. 1248
Practice Direction (Service of Notice to Quit) [1965] 1 W.L.R. 1237; [1965] 3 All E.R. 230
Practice Direction (Service of Petition) [1961] 1 W.L.R. 49; [1961] 1 All E.R. 129
Practice Direction (Setting Actions Down for Trial) [1964] 1 W.L.R. 1272; [1964] 3 All E.R. 496; [1964] 2 Lloyd's Rep. 226
Practice Direction (Short Causes) [1965] 1 W.L.R. 1491; [1965] 3 All E.R. 641; [1965] 2 Lloyd's Rep. 418
Practice Direction (Sittings) [1961] 1 W.L.R. 891; [1961] 2 All E.R. 512; [1961] 1 Lloyd's Rep. 328
Practice Direction (Submission of No Case) [1962] 1 W.L.R. 227; [1962] 1 All E.R. 448, D.C.
Practice Direction (Succession Rights: Illegitimate Children) [1969] 1 W.L.R. 1863; [1969] 3 All E.R. 1343
Practice Direction (Summonses: Divorce Registry) [1961] 1 W.L.R. 1171; [1961] 3 All E.R. 171
Practice Direction (Taking Child Out of Jurisdiction) [1963] 1 W.L.R. 947; [1963] 3 All E.R. 66
Practice Direction (Taxation: Decimal Currency) [1970] 1 W.L.R. 1281; [1970] 3 All E.R. 441
Practice Direction (Taxation: Documents) [1970] 1 W.L.R. 1280; [1970] 3 All E.R. 464
Practice Direction (Taxation: Postal Facilities) [1969] 1 W.L.R. 772; [1969] 2 All E.R. 320
Practice Direction (Taxation of Costs) [1962] 1 W.L.R. 1110; [1962] 3 All E.R. 465
Practice Direction (Taxation of Costs) [1963] 1 W.L.R. 226; [1963] 1 All E.R. 230
Practice Direction (Taxing Masters' Certificates) [1964] 1 W.L.R. 885; [1964] 2 All E.R. 690; [1964] 1 Lloyd's Rep. 442
Practice Direction (Termination of Proceedings by Consent) [1963] 1 W.L.R. 246; [1963] 1 All E.R. 416
Practice Direction (Title of Proceedings) [1963] 1 W.L.R. 417; [1963] 1 All E.R. 885
Practice Direction (Variation of Trusts: Copy of Arrangement) [1964] 1 W.L.R. 608; [1964] 2 All E.R. 186; [1964] 1 Lloyd's Rep. 273
Practice Direction (Vendor and Purchaser Summonses) [1967] 1 W.L.R. 481; [1967] 1 All E.R. 656; [1967] 1 Lloyd's Rep. 190
Practice Direction (Ward of Court) [1961] 1 W.L.R. 580; [1961] 2 All E.R. 55
Practice Direction (Wardship Applications) [1966] 1 W.L.R. 1384; [1966] 3 All E.R. 144; [1966] 2 Lloyd's Rep. 152
Practice Direction (Wardship Applications) [1967] 1 W.L.R. 623; [1967] 1 All E.R. 828; [1967] 1 Lloyd's Rep. 237
Practice Direction (Widows' and Minors' Funds: Investment) [1970] 1 W.L.R. 470; [1970] 1 All E.R. 811
Practice Direction (Will: Omission of Words from Probate) [1964] 1 W.L.R. 575; [1964] 1 All E.R. 952

Practice Direction (Will: Omission of Words from Probate) (No. 2) [1968] 1 W.L.R. 987; [1968] 2 All E.R. 592

Practice Direction (Withdrawal of Solicitor) [1961] 1 W.L.R. 1102; [1961] 3 All E.R. 64; [1961] 1 Lloyd's Rep. 512, C.A.

Practice Direction (Witness Actions: Warned List) [1966] 1 W.L.R. 538; [1966] 1 All E.R. 916

Practice Direction (Witness List: Fixed Dates) [1961] 1 W.L.R. 561; [1961] 1 All E.R. 926; [1961] 1 Lloyd's Rep. 119

Practice Directions (House of Lords) [1962] 1 W.L.R. 490; [1962] 2 All E.R. 127; [1962] 1 Lloyd's Rep. 307, H.L.(E.)

Practice Note (Central Office: Postal Service) [1969] 1 W.L.R 1260; [1969] 2 All E.R. 1140

Practice Note (Chancery Causes: Fixed Dates) [1970] 1 W.L.R. 525; [1970] 1 All E.R. 904

Practice Note (Chancery Causes: Witness List Part 2) [1969] 1 W.L.R. 322; [1969] 1 All E.R. 787; [1969] 1 Lloyd's Rep. 588

Practice Note (Court of Protection: Property) [1970] 1 W.L.R. 228; [1970] 1 All E.R. 15

Practice Note (Crime: Applications for Leave to Appeal) [1970] 1 W.L.R. 663; [1970] 1 All E.R. 1119; 54 Cr.App.R. 280, C.A.

Practice Note (Estimated Length of Hearing) (1963) L.R. 3 R.P. 391, R.P.Ct. (E. & W.)

Practice Note (Evidence of Indisposed Witness) (1961) L.R. 2 R.P. 167, R.P.Ct. (E. & W.)

Practice Note (Exchange of Proofs) (1961) L.R. 2 R.P. 293, R.P.Ct. (E. & W.)

Practice Note (Grounds of Appeal) [1962] 1 W.L.R. 312; [1962] 1 All E.R. 417, C.C.A.

Practice Note (Insurance of Arrested Property) [1970] 1 W.L.R. 819; [1970] 2 All E.R. 55; [1970] 1 Lloyd's Rep. 208

Practice Note (Judges' Rules) [1964] 1 W.L.R. 152; [1964] 1 All E.R. 237, C.C.A.

Practice Note (Objections to Proofs) (1961) L.R. 2 R.P. 165, R.P.Ct. (E. & W.)

Practice Note (Questionnaire to Customers) (1961) L.R. 2 R.P. 168, R.P.Ct. (E. & W.)

Practice Note (Short Term Investment Account) [1970] 1 W.L.R. 602; [1970] 1 All E.R. 1107

Practice Note (Variation of Trusts: Stamp Duty) [1966] 1 W.L.R. 345; [1966] 1 All E.R. 672

Practice Note (Witnesses Conditionally Bound Over) [1961] 1 W.L.R. 502; [1961] 1 All E.R. 875, C.C.A.

Practice Notice (Filing of Affidavits) [1966] 1 W.L.R. 1243; [1966] 2 All E.R. 943; [1966] 2 Lloyd's Rep. 52

Practice Notice (Infants: Settlement of Actions) [1969] 1 W.L.R. 1284; [1969] 3 All E.R. 416

Practice Statement (Commercial Court) [1964] 1 W.L.R. 1113; [1964] 2 Lloyd's Rep. 89

Practice Statement (Commercial Court: Waiting List) [1967] 1 W.L.R. 1545; [1968] 1 All E.R. 399

Practice Statement (Judicial Precedent) [1966] 1 W.L.R. 1234; [1966] 3 All E.R. 77, H.L.(E.)

Practice Statement (Reading Documents) [1962] 1 W.L.R. 395; [1962] 1 All E.R. 897; [1962] 1 Lloyd's Rep. 150, C.A.

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Premor Ltd. *v.* Shaw Brothers (A Firm) [1964] 1 W.L.R. 978; [1964] 2 All E.R. 583, C.A.

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Reg. *v.* Bullock [1964] 1 Q.B. 481; [1963] 3 W.L.R. 911; [1963] 3 All E.R. 506, C.C.A.
Reg. *v.* Burgess [1968] 2 Q.B. 112; [1968] 2 W.L.R. 1209; [1968] 2 All E.R. 54, C.A.
Reg. *v.* Burles [1970] 2 Q.B. 191; [1970] 2 W.L.R. 597; [1970] 1 All E.R. 642; 54 Cr.App.R. 196, C.A.
Reg. *v.* Button; Reg. *v.* Swain [1966] A.C. 591; [1965] 2 W.L.R. 992; [1965] 1 All E.R. 964, C.C.A.; [1966] A.C. 591; [1965] 3 W.L.R. 1131; [1965] 3 All E.R. 587, H.L.(E.)
Reg. *v.* Caird (1970) 54 Cr.App.R. 499, C.A.
Reg. *v.* Calder & Boyars Ltd. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974; [1968] 3 All E.R. 644, C.A.
Reg. *v.* Calvert (Practice Note) [1963] 1 W.L.R. 151; [1962] 3 All E.R. 1028, C.C.A.
Reg. *v.* Cardiff City Coroner, *Ex parte* Thomas [1970] 1 W.L.R. 1475; [1970] 3 All E.R. 469, D.C.
Reg. *v.* Cardiff Justices, *Ex parte* Cardiff Corpn. [1962] 2 Q.B. 436; [1962] 2 W.L.R. 771; [1962] 1 All E.R. 751; 60 L.G.R. 172, D.C.
Reg. *v.* Carter; Reg. *v.* Canavan [1964] 2 Q.B. 1; [1964] 2 W.L.R. 266; [1964] 1 All E.R. 187, C.A.
Reg. *v.* Cascoe [1970] 2 All E.R. 833; 54 Cr.App.R. 401, C.A.
Reg. *v.* Cash (1969) 53 Cr.App.R. 483, C.A.
Reg. *v.* Caslin [1961] 1 W.L.R. 59; [1961] 1 All E.R. 246, C.C.A.
Reg. *v.* Caughie [1969] 1 W.L.R. 1700; [1969] 3 All E.R. 950; 53 Cr.App.R. 642, C.A.

Reg. *v.* Cavan [1961] 1 W.L.R. 347; [1961] 1 All E.R. 560, C.C.A.
Reg. *v.* Cavendish [1961] 1 W.L.R. 1083; [1961] 2 All E.R. 856, C.C.A.
Reg. *v.* Chandler. *See* Chandler *v.* Director of Public Prosecutions.
Reg. *v.* Chandler (No. 2) [1964] 2 Q.B. 322; [1964] 2 W.L.R. 689; [1964] 1 All E.R. 761, C.C.A.
Reg. *v.* Chapman [1969] 2 Q.B. 436; [1969] 2 W.L.R. 1004; [1969] 2 All E.R. 321; 53 Cr.App.R. 336, C.A.
Reg. *v.* Chelsea Justices, *Ex parte* Director of Public Prosecutions [1963] 1 W.L.R. 1138; [1963] 3 All E.R. 657
Reg. *v.* Chertsey Justices, *Ex parte* Franks [1961] 2 Q.B. 152; [1961] 2 W.L.R. 442; [1961] 1 All E.R. 825; 59 L.G.R. 260, D.C.
Reg. *v.* Chief Immigration Officer Bradford Airport, *Ex parte* Ashiq Hussain [1970] 1 W.L.R. 9; [1969] 3 All E.R. 1601, D.C.
Reg. *v.* Chief Immigration Officer Lympne Airport, *Ex parte* Amrik Singh [1969] 1 Q.B. 333; [1968] 3 W.L.R. 945; [1968] 3 All E.R. 163, D.C.
Reg. *v.* Chief Registrar of Friendly Societies, *Ex parte* Mills [1970] 1 W.L.R. 1534; [1970] 3 All E.R. 1076, D.C.
Reg. *v.* Chipchase [1962] 1 W.L.R. 291; [1962] 1 All E.R. 647, C.C.A.
Reg. *v.* Church [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220; [1965] 2 All E.R. 72, C.C.A.
Reg. *v.* Churchill [1965] 1 W.L.R. 1174; [1965] 2 All E.R. 793
Reg. *v.* Churchill (No. 2) [1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116; [1966] 3 All E.R. 215, C.C.A.; [1967] 2 A.C. 224; [1967] 2 W.L.R. 682; [1967] 1 All E.R. 497, H.L.(E.)
Reg. *v.* Clark [1962] 1 W.L.R. 180; [1962] 1 All E.R. 428, C.C.A.
Reg. *v.* Clark (No. 2) [1964] 2 Q.B. 315; [1963] 3 W.L.R. 1067; [1963] 3 All E.R. 884; 62 L.G.R. 99, C.C.A.
Reg. *v.* Clarke [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505; [1969] 1 All E.R. 924; 53 Cr.App.R. 251, C.A.; (pet. dis.) [1969] 2 W.L.R. 510, H.L.(E.)
Reg. *v.* Clarke (Christopher) [1969] 1 W.L.R. 1109; [1969] 2 All E.R. 1008; 53 Cr.App.R. 438, C.A.
Reg. *v.* Clarkson [1961] 1 W.L.R. 347; [1961] All E.R. 557, C.C.A.
Reg. *v.* Clayton and Halsey [1963] 1 Q.B. 163; [1962] 3 W.L.R. 815; [1962] 3 All E.R. 500, C.C.A.; (pet. dis.) [1962] 1 W.L.R. 1184, H.L.(E.)
Reg. *v.* Clear [1968] 1 Q.B. 670; [1968] 2 W.L.R. 122; [1968] 1 All E.R. 74, C.A.
Reg. *v.* Cleghorn [1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421; [1967] 1 All E.R. 996, C.A.
Reg. *v.* Clow [1965] 1 Q.B. 598; [1963] 3 W.L.R. 84; [1963] 2 All E.R. 216, C.C.A.
Reg. *v.* Cockburn [1968] 1 W.L.R. 281; [1968] 1 All E.R. 466, C.A.
Reg. *v.* Coe [1968] 1 W.L.R. 1950; [1969] 1 All E.R. 65; 53 Cr.App.R. 66, C.A.
Reg. *v.* Cole [1965] 2 Q.B. 388; [1965] 3 W.L.R. 263; [1965] 2 All E.R. 29, C.C.A.
Reg. *v.* Coleman [1969] 2 Q.B. 468; [1969] 3 W.L.R. 89; [1969] 2 All E.R. 1074; 53 Cr.App.R. 445, C.A.
Reg. *v.* Collier; Reg. *v.* Stenning [1965] 1 W.L.R. 1470; [1965] 3 All E.R. 136, C.C.A.
Reg. *v.* Collins (1969) 53 Cr.App.R. 385, C.A.
Reg. *v.* Collins [1970] 1 Q.B. 710; [1970] 2 W.L.R. 68; [1969] 3 All E.R. 1562; 54 Cr.App.R. 19, C.A.
Reg. *v.* Comerford. *See* Reg. *v.* Healey.
Reg. *v.* Comrs. of Customs and Excise, *Ex parte* Cook [1970] 1 W.L.R. 450; [1970] 1 All E.R. 1068, D.C.
Reg. *v.* Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893; [1968] 1 All E.R. 763, C.A.
Reg. *v.* Comr. of Police of the Metropolis, *Ex parte* Blackburn (No. 2) [1968] 2 Q.B. 150; [1968] 2 W.L.R. 1204; [1968] 2 All E.R. 319, C.A.
Reg. *v.* Concannon (Practice Note) [1970] 1 W.L.R. 1159; [1970] 3 All E.R. 198; 54 Cr.App.R. 419, C.A.
Reg. *v.* Connelly [1964] A.C. 1254; [1963] 3 W.L.R. 839; [1963] 3 All E.R. 510, C.C.A.
Reg. *v.* Consett Justices, *Ex parte* Postal Bingo Ltd. [1967] 2 Q.B. 9; [1967] 2 W.L.R. 184; [1967] 1 All E.R. 605, D.C.
Reg. *v.* Cooper (Anthony) [1969] 1 W.L.R. 977; [1969] 3 All E.R. 118, Ct.-M.A.C.
Reg. *v.* Cooper (Sean) [1969] 1 Q.B. 267; [1968] 3 W.L.R. 1225; [1969] 1 All E.R. 32; 53 Cr. App.R. 82
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Reg. *v.* Cox (Maurice) [1968] 1 W.L.R. 308; [1968] 1 All E.R. 386, C.A.
Reg. *v.* Cox (Peter Stanley) [1968] 1 W.L.R. 88; [1968] 1 All E.R. 410, C.A.
Reg. *v.* Craig. *See* Reg. *v.* Andrews.
Reg. *v.* Craig [1967] 1 W.L.R. 645; [1967] 1 All E.R. 1052, C.A.
Reg. *v.* Creamer [1966] 1 Q.B. 72; [1965] 3 W.L.R. 583; [1965] 3 All E.R. 257, C.C.A.
Reg. *v.* Crehan [1962] 1 W.L.R. 293; [1962] 1 All E.R. 608, C.C.A.
Reg. *v.* Criminal Injuries Compensation Board, *Ex parte* Lain [1967] 2 Q.B. 864; [1967] 3 W.L.R. 348; [1967] 2 All E.R. 770, D.C.
Reg. *v.* Cugullere [1961] 1 W.L.R. 858; [1961] 2 All E.R. 343, C.C.A.
Reg. *v.* Cullis; Reg. *v.* Nash (Note) [1969] 1 All E.R. 593; 53 Cr.App.R. 162, C.A.
Reg. *v.* Cummerson [1968] 2 Q.B. 534; [1968] 2 W.L.R. 1486; [1968] 2 All E.R. 863, C.A.
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Reg. *v.* Curr [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595; [1967] 1 All E.R. 478, C.A.
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Reg. *v.* Daines [1961] 1 W.L.R. 52; [1961] 1 All E.R. 290, C.C.A.
Reg. *v.* Dale. *See* Reg. *v.* Green (Practice Note).
Reg. *v.* Davies [1962] 1 W.L.R. 1111; [1962] 3 All E.R. 97, Ct.-M.A.C.
Reg. *v.* De Courcy [1964] 1 W.L.R. 1245; [1964] 3 All E.R. 251, C.C.A.
Reg. *v.* De Courcy (Practice Note) [1964] 1 W.L.R. 1250; [1964] 3 All E.R. 253, C.C.A.
Reg. *v.* De Haan. *See* Reg. *v.* Harper; Reg. *v.* De Haan.
Reg. *v.* Delmayne [1970] 2 Q.B. 170; [1969] 3 W.L.R. 300; [1969] 2 All E.R. 980; 53 Cr.App.R. 392, C.A.
Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Amalgamated Engineering Union. *In re* Dowling [1967] 1 Q.B. 202; [1966] 2 W.L.R. 1301, D.C. and C.A.; [1966] 1 All E.R. 705, C.A.; [1967] 1 A.C. 725; [1967] 2 W.L.R. 516; [1967] 1 All E.R. 210, H.L.(E.)
Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Humphreys [1966] 2 Q.B. 1; [1966] 2 W.L.R. 63; [1965] 3 All E.R. 885, C.A.
Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Jones [1962] 2 Q.B. 677; [1962] 2 W.L.R. 1215; [1962] 2 All E.R. 430, D.C.
Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Moore [1965] 1 Q.B. 456; [1965] 2 W.L.R. 89; [1965] 1 All E.R. 81, C.A.
Reg. *v.* Derby Justices, *Ex parte* Kooner [1970] 3 W.L.R. 598; [1970] 3 All E.R. 399; 54 Cr. App.R. 455, D.C.
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Reg. *v.* Desmond; Reg. *v.* Hall [1965] A.C. 960; [1964] 3 W.L.R. 1148; [1964] 3 All E.R. 587, C.C.A.; [1965] A.C. 960; [1965] 2 W.L.R. 894; [1965] 1 All E.R. 976, H.L.(E.)
Reg. *v.* Devereux. *See* Reg. *v.* Hassard.
Reg. *v.* Dickson [1969] 1 W.L.R. 405; [1969] 1 All E.R. 729; 53 Cr.App.R. 263, C.A.
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Reg. *v.* Divers. *See* Reg. *v.* Pollock.
Reg. *v.* Dixon [1961] 1 W.L.R. 337; [1961] 3 All E.R. 460
Reg. *v.* Dock Labour Board, *Ex parte* National Amalgamated Stevedores and Dockers [1964] 2 Lloyd's Rep. 420, D.C.
Reg. *v.* Dolan [1969] 1 W.L.R. 1479; [1969] 3 All E.R. 683; 53 Cr.App.R. 556; [1970] R.T.R. 43, C.A.
Reg. *v.* Dooley [1964] 1 W.L.R. 648; [1964] 1 All E.R. 178; 62 L.G.R. 579
Reg. *v.* Dorset Quarter Sessions, *Ex parte* Randall [1967] 2 Q.B. 222; [1967] 2 W.L.R. 25; [1966] 3 All E.R. 952, D.C.
Reg. *v.* Doughty [1965] 1 W.L.R. 331; [1965] 1 All E.R. 560, C.C.A.
Reg. *v.* Downey [1970] R.T.R. 257, C.A.
Reg. *v.* Driver (1970) 54 Cr.App.R. 385, C.A.
Reg. *v.* Duffy [1967] 1 Q.B. 63; [1966] 2 W.L.R. 229; [1966] 1 All E.R. 62, C.C.A.
Reg. *v.* Duke [1963] 1 Q.B. 120; [1961] 3 W.L.R. 1194; [1961] 3 All E.R. 737, C.C.A. (*See also* Duke *v.* Director of Public Prosecutions.)
Reg. *v.* Duncuft (1969) 53 Cr.App.R. 495, C.A.
Reg. *v.* Dunmow Justices, *Ex parte* Anderson [1964] 1 W.L.R. 1039; [1964] 2 All E.R. 943, D.C.
Reg. *v.* Durrant [1970] 1 W.L.R. 29; [1969] 3 All E.R. 1357; 54 Cr.App.R. 24; [1970] R.T.R. 420, C.A.
Reg. *v.* E. [1964] 1 W.L.R. 671; [1964] 1 All E.R. 205
Reg. *v.* Earl, *Ex parte* Chapman. *See* Chapman *v.* Earl.
Reg. *v.* East Grinstead Justices, *Ex parte* Doeve [1969] 1 Q.B. 136; [1968] 3 W.L.R. 920; [1968] 3 All E.R. 666, D.C.
Reg. *v.* East London Rent Tribunal, *Ex parte* Schryer [1970] 1 Q.B. 686; [1969] 3 W.L.R. 826; [1969] 3 All E.R. 447, D.C.
Reg. *v.* East Riding of Yorkshire Quarter Sessions, *Ex parte* Newton [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098; [1967] 3 All E.R. 118; 65 L.G.R. 483, D.C. and C.A.; (pet. dis.) [1967] 1 W.L.R. 1504, H.L.(E.)
Reg. *v.* Eaton (1968) 53 Cr.App.R. 118, C.A.
Reg. *v.* Edgehill [1963] 1 Q.B. 593; [1963] 2 W.L.R. 170; [1963] 1 All E.R. 181, C.C.A.
Reg. *v.* Edirimanasingham [1961] A.C. 454; [1961] 2 W.L.R. 156; [1961] 1 All E.R. 376, P.C.
Reg. *v.* Edmonds [1963] 2 Q.B. 142; [1963] 2 W.L.R. 715; [1963] 1 All E.R. 828, C.C.A.
Reg. *v.* Edmonton Justices, *Ex parte* Stannite Automatics Ltd. [1965] 1 W.L.R. 984; [1965] 2 All E.R. 750, D.C.
Reg. *v.* Elia [1968] 2 All E.R. 587, C.A.
Reg. *v.* Ellis [1961] 1 W.L.R. 1064; [1961] 2 All E.R. 928, C.C.A.
Reg. *v.* Emley. *See* Reg. *v.* Caird.
Reg. *v.* Emmett (1968) 53 Cr.App.R. 203, C.A.
Reg. *v.* Epsom and Ewell Corpn., *Ex parte* R. B. Property Investments (Eastern) Ltd. [1964] 1 W.L.R. 1060; [1964] 2 All E.R. 832; 62 L.G.R. 498, D.C.
Reg. *v.* Epsom Justices, *Ex parte* Dawnier Motors Ltd. [1961] 1 Q.B. 201, D.C.
Reg. *v.* Essex Justices, *Ex parte* Final [1963] 2 Q.B. 816; [1963] 2 W.L.R. 38; [1963] 3 All E.R. 924, D.C.
Reg. *v.* Essex Quarter Sessions Appeals Committee, *Ex parte* Larkin [1962] 1 Q.B. 712; [1961] 3 W.L.R. 1286; [1961] 3 All E.R. 930, D.C.

Reg. *v.* Essex Quarter Sessions, *Ex parte* Thomas [1966] 1 W.L.R. 359; [1966] 1 All E.R. 353, D.C.
Reg. *v.* Evans [1963] 1 Q.B. 979; [1961] 2 W.L.R. 213; [1961] 1 All E.R. 313, C.C.A.
Reg. *v.* Evans [1963] 1 Q.B. 412; [1962] 3 W.L.R. 1457; [1962] 3 All E.R. 1086; 61 L.G.R. 32, C.C.A.
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Reg. *v.* Evans (Stanley) [1964] 1 W.L.R. 1388; [1964] 3 All E.R. 666, C.C.A.
Reg. *v.* Everest (1968) 53 Cr.App.R. 20, C.A.
Reg. *v.* Ewens [1967] 1 Q.B. 322; [1966] 2 W.L.R. 1372; [1966] 2 All E.R. 470, C.C.A.
Reg. *v.* Exeter Justices, *Ex parte* Fowler [1966] 1 W.L.R. 1121; [1966] 3 All E.R. 49, D.C.
Reg. *v.* Falmouth Borough Justices, *Ex parte* Palmer (1963) 61 L.G.R. 179, D.C.
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Reg. *v.* Ferguson [1970] 1 W.L.R. 1246; [1970] 2 All E.R. 820, C.A.
Reg. *v.* Ferguson (Frank) [1970] R.T.R. 395; 54 Cr.App.R. 410, C.A.
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Reg. *v.* Fisher [1965] 1 W.L.R. 464; [1965] 1 All E.R. 677, C.C.A.
Reg. *v.* Fisher (Charles) [1969] 1 W.L.R. 8; [1969] 1 All E.R. 100, C.A.; (pet. dis.) [1969] 1 W.L.R. 102, H.L.(E.)
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Reg. *v.* Flack [1969] 1 W.L.R. 937; [1969] 2 All E.R. 784; 53 Cr.App.R. 166, C.A.
Reg. *v.* Flanders [1969] 1 Q.B. 148; [1968] 3 W.L.R. 873; [1968] 3 All E.R. 534, C.A.
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Reg. *v.* Flynn [1963] 1 Q.B. 729; [1961] 3 W.L.R. 907; [1961] 3 All E.R. 58, C.C.A.
Reg. *v.* Forbes (Note) [1970] R.T.R. 491, C.A.
Reg. *v.* Ford [1969] 1 W.L.R. 1703; [1969] 3 All E.R. 782; 53 Cr.App.R. 551, C.A.
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Reg. *v.* Forest Justices, *Ex parte* Coppin [1969] 1 W.L.R. 916; [1969] 2 All E.R. 668, D.C.
Reg. *v.* Forest Justices, *Ex parte* Dallaire [1962] 2 Q.B. 629; [1962] 2 W.L.R. 642; [1961] 3 All E.R. 1138; 60 L.G.R. 172, D.C.
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Reg. *v.* Foy (Practice Note) [1962] 1 W.L.R. 609; [1962] 2 All E.R. 246, C.C.A.
Reg. *v.* Fraser [1967] 1 W.L.R. 1291; [1967] 3 All E.R. 544, C.A.
Reg. *v.* Frederick [1970] 1 W.L.R. 107; [1969] 3 All E.R. 804, C.A.
Reg. *v.* Freeman [1970] 1 W.L.R. 788; [1970] 2 All E.R. 413; 54 Cr.App.R. 251, C.A.
Reg. *v.* Froggett [1966] 1 Q.B. 152; [1965] 3 W.L.R. 602; [1965] 2 All E.R. 852, C.C.A.
Reg. *v.* Furlong [1962] 2 Q.B. 161; [1962] 2 W.L.R. 796; [1962] 1 All E.R. 656, C.C.A.
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Reg. *v.* Gardiner [1967] 1 W.L.R. 464; [1967] 1 All E.R. 895, C.A.
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Reg. *v.* Gash [1967] 1 W.L.R. 454; [1967] 1 All E.R. 811, C.A.
Reg. *v.* Gearing (Note) [1968] 1 W.L.R. 344, C.C.A.
Reg. *v.* General Comrs. of Income Tax for Tavistock, *Ex parte* Adams (1969) 46 T.C. 154, D.C.
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Reg. *v.* Georgiou (1969) 53 Cr.App.R. 428, C.A.
Reg. *v.* Gibbs [1965] 2 Q.B. 281; [1964] 3 W.L.R. 1272; [1964] 3 All E.R. 776, C.C.A.
Reg. *v.* Gill [1963] 1 W.L.R. 841; [1963] 2 All E.R. 688, C.C.A.
Reg. *v.* Glasse (1968) 53 Cr.App.R. 121, C.A.
Reg. *v.* Goddard [1962] 1 W.L.R. 1282; [1962] 3 All E.R. 582, C.C.A.
Reg. *v.* Gombos (orse. Gyugyei) [1965] 1 W.L.R. 575; [1965] 1 All E.R. 229, C.C.A.
Reg. *v.* Goody (Note) [1970] 2 All E.R. 385; 54 Cr.App.R. 328, C.A.
Reg. *v.* Gordon (Elliston) (1969) 53 Cr.App.R. 614; [1970] R.T.R. 125, C.A.
Reg. *v.* Gordon (James) (1969) 53 Cr.App.R. 307, C.A.
Reg. *v.* Gordon (Practice Note) [1963] 1 W.L.R. 810; [1963] 3 All E.R. 175, C.C.A.
Reg. *v.* Gordon (No. 2) (Practice Note) [1963] 1 W.L.R. 946; [1963] 3 All E.R. 175, C.C.A.
Reg. *v.* Gore Justices, *Ex parte* N. (An Infant) [1966] 1 W.L.R. 1522; [1966] 3 All E.R. 991, D.C.
Reg. *v.* Goswami [1969] 1 Q.B. 453; [1968] 2 W.L.R. 1163; [1968] 2 All E.R. 24, C.A.; (pet. dis.) [1968] 1 W.L.R. 906, H.L.(E.)
Reg. *v.* Gould [1964] 1 W.L.R. 145; [1963] 2 All E.R. 847
Reg. *v.* Gould [1968] 2 Q.B. 65; [1968] 2 W.L.R. 643; [1968] 1 All E.R. 849, C.A.
Reg. *v.* Governor of Brixton Prison, *Ex parte* Ahsan [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618; [1969] 2 All E.R. 347, D.C.
Reg. *v.* Governor of Brixton Prison, *Ex parte* Armah [1968] A.C. 192; [1966] 3 W.L.R. 23; [1966] 2 All E.R. 1006, D.C.; [1968] A.C. 192; [1966] 3 W.L.R. 828; [1966] 3 All E.R. 177, H.L.(E.)

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Whitehead *v.* Haines [1965] 1 Q.B. 200; [1964] 3 W.L.R. 197; [1964] 2 All E.R. 530; 62 L.G.R. 344, D.C.

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Witchell *v.* Abbott [1966] 1 W.L.R. 852; [1966] 2 All E.R. 657, D.C.

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The Lucile Bloomfield (Note), Karminski J. [1966] 1 W.L.R. 1525.
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The Biak (Note), Brandon J. [1970] 2 Lloyd's Rep. 205.

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The Conet, Hewson J. [1965] 1 W.L.R. 479.

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The Skylark, Hewson J. [1965] P. 474; [1965] 3 W.L.R. 759.

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The Toju Maru, C.A. [1968] 2 Lloyd's Rep. 436.

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The Bineta, Brandon J. [1967] 1 W.L.R. 121.

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The Aga, Donaldson J. [1968] 1 Lloyd's Rep. 431.

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ADMIRALTY—*continued.*

Pleadings—*continued.*

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" No cure—No pay " principle—Basis of salvage reward—Salvors' liability for negligence.
The Tojo Maru, C.A. [1970] P. 21; [1969] 3 W.L.R. 902.

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The Hudson Light, Brandon J. [1970] 1 Lloyd's Rep. 166.

ADMIRALTY—*continued.*

Salvage—*continued.*

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The National Defender, U.S. District Ct. [1970] 1 Lloyd's Rep. 40.

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Practice Direction (Admiralty: Short Cause Rules), P.D.A. [1966] 1 W.L.R. 1581.

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The Katcher I, Brandon J. [1969] P. 65; [1969] 2 W.L.R. 395.

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ADOPTION

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In re **G. (D. M.) (An Infant),** Pennycuick J. [1962] 1 W.L.R. 730.

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"Care and possession"

Infant boarded out

Applicant on night duty for part of each week—Child living with married couple while applicant working—Applicant's instructions carried out by married couple—Effective control exercised by applicant—Whether infant "continuously in the care and "possession" of applicant—Adoption Act, 1958, s. 3 (1).
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Consent of parent

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Consent of parent—*continued.*

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Neglect and failure by mother to discharge parental duties—Decision to dispense with mother's consent deferred until merits of application determined—Whether "due consideration to wishes of infant"—Adoption Act, 1958, ss. 4 (1), 5 (1) (2)—Adoption (County Court) Rules, 1959, rr. 9 (3), 27.
In re **G. (T. J.) (An Infant),** C.A. [1963] 2 Q.B. 73; [1963] 2 W.L.R. 69.

"Obligations of a parent"—Mother's consent refused—Whether failure by mother to discharge obligations—Adoption Act, 1958, s. 5 (2).
In re **P. (Infants),** Pennycuick J. [1962] 1 W.L.R. 1296.

Order properly made on available evidence—Mother learning of order after consent dispensed with—Whether inherent jurisdiction to set aside order and remit case for rehearing—"Cannot be found"—Meaning—Adoption Act, 1958, s. 5 (1) (*b*).
In re **F. (R.) (An Infant),** C.A. [1970] 1 Q.B. 385; [1969] 3 W.L.R. 853.

Parents of alien infant, political refugee—Parents remaining in foreign state—Communication with parents seeking consent to adoption involving peril for them—Infant's uncorroborated evidence of parents' indifference to infant's fate—Whether infant "abandoned"—Whether parents "cannot be found" or "incapable of giving consent"—Whether parents' consent dispensable—Adoption Act, 1958, ss. 4, 5.
In re **R. (Adoption),** Buckley J. [1967] 1 W.L.R. 34.

Statement of evidence on which applicant intends to rely—Duty to inform parent or guardian of application—Adoption Act, 1958, s. 5.
Practice Direction (Adoption: Dispensing with Consent), Ch.D. [1961] 1 W.L.R. 737.

———Further ground subsequently put forward—Duty to inform—Adoption Act, 1958, s. 5.
Practice Direction (Adoption: Dispensing with Consent (No. 2)), Ch.D. [1967] 1 W.L.R. 1556.

Very young child in applicant's care for 18 months—Vacillation of mother on whether to consent—Consent eventually withdrawn—Lack of plans by mother for child's future—Medical evidence of severe psychological damage to child if removed from applicants—Whether mother's consent unreasonably withheld—Adoption Act, 1958.
In re **C. (L.) (An Infant),** C.A. [1965] 2 Q.B. 449; [1964] 3 W.L.R. 1041.

Young unmarried mother—Child given to prospective adopters when ten days old—Mother's consent to adoption—Subsequent withdrawal of consent—Engagement to father of child—Grandmother's desire to look after child when mother at work—Medical evidence that possible damage to child if change of care—Whether mother's consent unreasonably withheld—Adoption Act, 1958, s. 5 (1) (*b*).
In re **B. (S.) (An Infant),** C.A. (1966) 64 L.G.R. 431.

———Child placed with foster parents when eight days old—Mother's consent to adoption—Consent subsequently withdrawn—Whether mother's consent unreasonably withhheld—Consideration of child's welfare—Other factors to be taken into account—Adoption Act, 1958, ss. 4 (1) (*a*), 5 (1).
In re **W. (An Infant),** C.A. [1970] 2 Q.B. 589; [1970] 3 W.L.R. 175.

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In re **Adoption Application 41/61 (No. 2),** Wilberforce J. [1964] Ch. 48; [1963] 3 W.L.R. 357.

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Adoption application—Custody application before magistrates by putative father—Custody application adjourned sine die—Extent of rights of putative father in custody proceedings—Whether adoption application should be proceeded with or whether it should be heard with custody application.
In re **Adoption Application 41/61,** Wilberforce J. [1962] 1 W.L.R. 866; C.A. [1963] Ch. 315; [1962] 3 W.L.R. 997.

Paramount interest of child—Illegitimate child—Adoption sought by mother and husband—Objection by putative father—Child living with mother and husband—Access given to putative father—Putative father's loss of access if child adopted—Removal of stigma of bastardy by adoption—Whether in best interests of child—Adoption Act, 1958.
In re **E. (P.) (An Infant),** C.A. [1968] 1 W.L.R. 1913.

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Custody—*continued.*

Concurrent proceedings—continued.

Rights of putative father—Legitimacy Act, 1959, s. 3.
In re **Adoption Application 41/61 (No. 2)**, Wilberforce J. [1964] Ch. 48; [1963] 3 W.L.R. 357.

——————Paramount interest of child—Child with proposed adopters—Custody sought by putative father—Father able to provide suitable home—Risk involved in moving child—Degree of risk—Whether risk should be taken in interest of child—"Tie of blood" between boy child and natural father—Importance—Religious upbringing—Putative father and proposed adopters of different religions—Relevance of mother's wishes.
In re **C. (M. A.) (An Infant)**, Ungoed-Thomas J. and C.A. [1966] 1 W.L.R. 646.

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In re **R. (M.) (An Infant)**, Plowman J. [1966] 1 W.L.R. 1527.

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Object of naturalising infant

Alien infant, aged 20, political refugee—Parents remaining in foreign state—Communication with parents to seek consent to adoption not feasible—Infant's uncorroborated evidence that when leaving native land parents indifferent to fate—Benefit to infant not confined to naturalisation—Application assuming full responsibility and affording family life for infant—Whether service of notice of proceedings on parents dispensable—Adoption Act, 1958, ss. 4, 5—Adoption (High Court) Rules, 1959, r. 16.
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Infant alien aged 20 years—Statutory conditions fulfilled—Order for infant's benefit—Whether discretion should be exercised in infant's favour.
In re **A. (An Infant)**, Cross J. [1963] 1 W.L.R. 231.

"Disposition"

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Appointment exercising special power granted before 1950—Whether appointment a "disposition"—Adoption Act, 1950, s. 13 (2).
In re **Brinkley's Will Trusts**, Buckley J. [1968] Ch. 407; [1968] 2 W.L.R. 217.

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Contested proceedings—Confidential information obtained by adoption society or local authority—Request by a party to produce records or give evidence—Application by society or authority to court for directions—Adoption Agencies Regulations, 1959, reg. 7.
Practice Direction (Adoption: Disclosure of Confidential Information), Ch.D. [1968] 1 W.L.R. 373.

Report by welfare officer

Disclosure—Whether parties entitled to disclosure—Boy aged 12—Wishes of boy to be adopted set out in report—Boy not seen by judge—Adoption Act, 1958, ss. 7 (2), 9 (3)—Adoption (County Court) Rules, 1959, rr. 9 (2), 27.
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Jurisdiction of court

Applicants resident abroad

Applicants spouses and resident in the Republic of Ireland—Infant over the maximum compulsory school age—Whether court jurisdiction to make an order—Adoption Act. 1958, ss. 1 (1) (5), 3 (1) (2), 12 (1) (3).
In re **W., Spinster (An Infant)**, Wilberforce J. [1962] Ch. 918; [1962] 3 W.L.R. 544.

Provisional adoption order—Joint application for—Wife having sufficient period of care and possession of infant—Whether husband "living with" wife for qualifying period—Whether one in three or in six months before order required—Adoption Act, 1958, ss. 3 (1), 12 (3), 53.
In re **M. (An Infant)**, Buckley J. [1965] Ch. 203; [1964] 3 W.L.R. 609.

Foreign domicile

Applicants domiciled abroad and temporarily resident in Great Britain—Whether jurisdiction to make final order—Adoption Act, 1958, ss. 12, 53.
In re **R. (An Infant)**, C.A. [1962] 1 W.L.R. 1147.

ADOPTION—*continued.*

Jurisdiction of court—*continued.*

Foreign element

Parent domiciled abroad—English applicants—Mother of child obtaining divorce in England—Spanish father resident in Spain—Recognition by Spanish courts of English adoption order—Impact of foreign law on English adoption order—Whether adoption order for "welfare" of child—Evidence—Order dispensing with parent's consent—Adoption Act, 1958, ss. 1, 5, 7.
In re **B. (S.) (An Infant),** Goff J. [1968] Ch. 204; [1967] 3 W.L.R. 1438.

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Attached to final adoption order—Whether any sanction for enforcement—Adoption Act, 1958, s. 7 (3). *In re* **G. (T. J.) (An Infant),** C.A. [1963] 2 Q.B. 73; [1963] 2 W.L.R. 69.

Putative father

Rights of

Putative father's desire of being heard—Duty of guardian ad litem—Legitimacy Act, 1959, s. 3—Adoption (High Court) Rules, 1959, Sch. 2, para. 9.
In re **Adoption Application 41/61 (No. 2),** Wilberforce J. [1964] Ch. 48; [1963] 3 W.L.R. 357.

Whether in same position as legitimate father—Legitimacy Act, 1959, s. 3.
In re **O. (An Infant),** C.A. [1965] Ch. 23; [1964] 2 W.L.R. 840.

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J. v. C., H.L.(E.) [1970] A.C. 668; [1969] 2 W.L.R. 540.

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"Child"

Intention. *In re* **Jebb, decd.,** C.A. [1966] Ch. 666; [1965] 3 W.L.R. 810.

Whether child adopted out of family to benefit—Evidence of intention against exclusion—Adoption Act, 1958, s. 16 (2) (*b*).
In re **Jones's Will Trusts,** Buckley J. [1965] Ch. 1124; [1965] 3 W.L.R. 506.

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Father and stepson

Stepson treated on same footing as stepfather's own three sons—Whether presumption applicable. *In re* **Paradise Motor Co. Ltd.,** C.A. [1968] 1 W.L.R. 1125.

AFFILIATION. (*See also* LEGITIMACY.)

Corroboration

Admission by alleged father

Admission made to welfare officer with view to child's adoption—Adoption proceedings considered before child's birth—No adoption proceedings commenced—Whether evidence admissible—Adoption (Juvenile Court) Rules, 1959, r. 30 (as amended by Adoption (Juvenile Court) Rules, 1965, r. 2).
Reg. v. Nottinghamshire Justices, *Ex parte* **Bostock,** D.C. [1970] 1 W.L.R. 1117.

Intercourse prior to date of conception—Denial of association with mother at date of conception—Whether admission corroboration—"Some material particular"—Affiliation Proceedings Act, 1957, s. 4 (2).
Simpson v. Collinson, C.A. [1964] 2 Q.B. 80; [1964] 2 W.L.R. 387.

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Lie as to opportunity—Opportunity denied—Subsequent admission of opportunity in cross-examination—Whether lie capable of amounting to corroboration—Affiliation Proceedings Act, 1957, s. 4 (2). **Corfield v. Hodgson,** Divl.Ct. [1966] 1 W.L.R. 590.

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Husband and wife living in same house—Wife's evidence of separation from husband—Whether corroboration required—Whether justices may find non-access on unchallenged evidence of wife—Affiliation Proceedings Act, 1957, s. 1.
Whitton v. Garner, Divl.Ct. [1965] 1 W.L.R. 313.

Jurisdiction

Mother domiciled abroad

Child born in England—Mother ordinarily resident in England—Jurisdiction to make affiliation order—Law to be applied in testing illegitimacy—Affiliation Proceedings Act, 1957, s. 1. **Buckeridge v. Hall,** Divl.Ct. [1963] 1 Q.B. 614; [1963] 2 W.L.R. 354.

AFFILIATION—*continued.*

Jurisdiction—*continued.*

Mother domiciled abroad—continued.

Children born abroad—Parties and children resident in England—Jurisdiction of justices—Power to make order—Affiliation Proceedings Act, 1957, s. 1.
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Purpose of amending Act

Affiliation proceedings against putative father—Applicant a married woman living apart from husband—Husband living in matrimonial home at date of child's birth—Whether application can be entertained—Affiliation Proceedings Act, 1957, s. 1—Legitimacy Act, 1959, s. 4.
Gaines v. W. (An Infant), Divl.Ct. [1968] 1 Q.B. 782; [1968] 2 W.L.R. 139.

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First complaint dismissed—Second complaint—Same subject matter—Fresh evidence—Nature of fresh evidence—Whether evidence of a serious kind—Whether evidence must be evidence not reasonably obtainable at the first hearing—Affiliation Proceedings Act, 1957, s. 4. **Robinson v. Williams,** Divl.Ct. [1965] 1 Q.B. 89; [1964] 3 W.L.R. 563.

National assistance

Application by board against putative father

Complaint by mother—Appeal against affiliation order allowed by quarter sessions on the merits—Subsequent complaint by National Assistance Board—Whether entertainable—National Assistance Act, 1948, s. 44.
Clapham v. National Assistance Board, Divl.Ct. [1961] 2 Q.B. 77; [1961] 2 W.L.R. 448.

Subsequent marriage of mother—Cesser of national assistance after marriage—Variation of order on mother's application—Application by father for revocation of order—Whether order revocable when assistance no longer given—National Assistance Act, 1948, s. 44.
Payne v. Critchley and National Assistance Board, Divl.Ct. [1962] 2 Q.B. 83; [1962] 2 W.L.R. 562.

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Whether civil or criminal

Privilege—Questions about alleged association with mother—Whether witness may refuse to answer. **S. v. E.,** Chapman J. [1967] 1 Q.B. 367; [1967] 2 W.L.R. 704.

" Single woman "

Married woman

Child born to married woman of which husband not the father—Husband living in matrimonial home at date of child's birth—Living apart from wife thereafter—Affiliation proceedings against putative father brought by wife after separation from husband—Jurisdiction of court to entertain application—Whether applicant a " single woman "—Affiliation Proceedings Act, 1957, s. 1—Legitimacy Act, 1959, s. 4.
Gaines v. W. (An Infant), Divl.Ct. [1968] 1 Q.B. 782; [1968] 2 W.L.R. 139.

Husband and wife living in same house—Wife ceasing to have intercourse with and occupy same bedroom as husband since two years before birth of child—Evening meal prepared for husband by wife—Finances of household provided by husband—No friendly association between husband and wife—Justices' finding that one household only—Whether presumption that living together as husband and wife rebutted—Whether wife retained status of married woman—Affiliation Proceedings Act, 1957, s. 1.
Giltrow v. Day, Divl.Ct. [1965] 1 W.L.R. 317.

——————————Wife's evidence that living apart from husband unchallenged—Whether corroboration required—Whether presumption that living together as husband and wife rebutted—Whether wife retained status of married woman—Affiliation Proceedings Act, 1957, s. 1.
Whitton v. Garner, Divl.Ct. [1965] 1 W.L.R. 313.

Time for complaint

" Paid money for . . . maintenance "

Child born to married woman—Cohabitation with father—Liability of putative father for maintenance—Effect on husband's liability—Affiliation Proceedings Act, 1957, s. 2 (1) (*b*). **Roberts v. Roberts,** Divl.Ct. [1962] P. 212; [1962] 3 W.L.R. 448.

Complaint brought more than 12 months after birth of illegitimate child—Infant alleged to be putative father—Letters from and payments by infant's parents within 12 months of birth for maintenance of child—Whether parents acting as infant's agents—Whether parents' letters admissible in evidence—Affiliation Proceedings Act, 1957, s. 2 (1) (*a*) (*b*). **G. (A.) v. G. (T.),** C.A. [1970] 2 Q.B. 643; [1970] 3 W.L.R. 132.

AFTER-ACQUIRED PROPERTY. *See* SETTLEMENT.

AGENCY

Auctioneer

Authority

Sale of theatre by public auction—Sale conducted in accordance with National Conditions of Sale—Condition entitling auctioneer to put property up for resale where "dispute arising respecting a bid"—Oral bid by plaintiff—Simultaneous bid for same amount by another bidder by raising catalogue—Unobserved by auctioneer but observed by clerks—Property knocked down to oral bidder—Whether "dispute . . . respecting a bid"—Whether auctioneer entitled to put property up for resale—National Conditions of Sale, 17th ed. (1959), Condition 2 (3).
Richards v. Phillips, Pennycuick J. [1969] 1 Ch. 39; [1968] 2 W.L.R. 14.
C.A. [1969] 1 Ch. 39; [1968] 3 W.L.R. 33.

Lien on deposit

Deposit paid by purchaser to auctioneer as stakeholder—Sale free from encumbrances—Encumbrances exceeding total price—Whether purchaser entitled to have entire deposit applied in discharge of encumbrances.
Skinner v. Trustee of the Property of Reed (a Bankrupt), Cross J. [1967] Ch. 1194; [1967] 3 W.L.R. 871.

Authority

Company

Chairman acting as managing director—Usual business transaction of company—Contract with other director of same company—Validity. **Hely-Hutchinson v. Brayhead Ltd.**, Roskill J. [1968] 1 Q.B. 549; [1967] 2 W.L.R. 1312.
C.A. [1968] 1 Q.B. 549; [1967] 3 W.L.R. 1408.

Director acting as managing director—Knowledge of board—Acts within ambit of managing director's authority—Power to appoint managing director but none appointed—Liability of company. **Freeman & Lockyer v. Buckhurst Park Properties (Mangal) Ltd.**, C.A. [1964] 2 Q.B. 480; [1964] 2 W.L.R. 618.

Corporation

Authority of servant—Express statutory authority—Whether exhaustive—Contract of employment signed by secretary—Whether "specially authorised by resolution of the corporation"—Oral resolution.
British Guiana Credit Corpn. v. Da Silva, P.C. [1965] 1 W.L.R. 248.

General agent

Cheques drawn in favour of foreign principal indorsed by agent—Irregular indorsement—Banker collecting proceeds of cheque for account of their customer—Banker not asking for any confirmation of indorsement—Banker not asking for any confirmation of authority of customer to indorse cheque on behalf of his foreign principal—Agent had implied actual authority from foreign principal to indorse cheques and pay them into his own account—Liability of banker for conversion.
Australia and New Zealand Bank Ltd. v. Ateliers de Constructions Electriques de Charleroi, P.C. [1967] 1 A.C. 86; [1966] 2 W.L.R. 1216.

Undisclosed principal—Ratification—Notice to quit—Service by solicitors "on behalf of your landlord Mr. R. P. H."—R. P. H. not landlord but general agent of landlords—Known to tenant as landlord—Whether notice good.
Harmond Properties Ltd. v. Gajdzis, C.A. [1968] 1 W.L.R. 1858.

Bank. *See* BANKING.

Constructive knowledge of principal

Duty to investigate title

Agent's knowledge of defective title—Whether knowledge fastened on principal—Sale of Goods Act, 1893, s. 23.
Car and Universal Finance Co. Ltd. v. Caldwell, Lord Denning M.R. and C.A. [1965] 1 Q.B. 525; [1964] 2 W.L.R. 600.

Contract

Whether agent personally bound

Contract of sale signed by estate agent—So described at head of letter.
Davies v. Sweet, C.A. [1962] 2 Q.B. 300; [1962] 2 W.L.R. 525.

Shipowner acting as agent of hiring company—Repairs to ship ordered—Whether shipowner so contracted that he was personally liable.
The Swan, Brandon J. [1968] 1 Lloyd's Rep. 5.

Delegatus non potest delegare

Solicitor

Formal acts by solicitor on agent's behalf.
Allam & Co. Ltd. v. Europa Poster Services Ltd., Buckley J. [1968] 1 W.L.R. 639.

Estate agent

Authority

Authority to sell land inferred from special circumstances—Whether personally bound.
Davies v. Sweet, C.A. [1962] 2 Q.B. 300; [1962] 2 W.L.R. 525.

AGENCY—*continued.*

Estate agent—*continued.*

Commission

Business transfer agents—Commission payable on introduction of person "prepared to enter into a contract to purchase"—Introduction of person desirous of purchasing on unfulfilled conditions—Meaning of "prepared to"—Whether agents' commission payable. **A. L. Wilkinson Ltd. v. Brown,** C.A. [1966] 1 W.L.R. 194.

———————— Commission payable on introduction of person "willing to sign a document capable of becoming a contract to purchase"—Introduction of prospective purchaser on unfulfilled conditions—Whether agent's commission payable—Whether commission clause unreasonable and uncertain—Effect of oral misrepresentation. **Jaques v. Lloyd D. George & Partners Ltd.,** C.A. [1968] 1 W.L.R. 625.

Introduction of a person "willing and able to purchase"—Lessor's consent to assignment of premises to purchaser refused—Rescission of contract—Whether estate agents entitled to commission. **Dellafiora v. Lester,** C.A. [1962] 1 W.L.R. 1208.

Introduction of able and willing purchaser—Contract for sale entered into—Vendor unable to give good title to land—Purchaser rescinding contract—Whether estate agent entitled to commission. **Blake & Co. v. Sohn,** Nield J. [1969] 1 W.L.R. 1412.

"Legally binding contract"—Payable "if within . . . three months any person introduced by the agents enters into a legally binding contract to purchase the said business and property . . ."—Agreement entered into for assignment of leasehold business premises to purchaser under obligation to "submit suitable and acceptable references for landlord's approval"—Financial references submitted not acceptable to landlords—Person introduced withdrawing from purchase—Whether contract not enforceable by order for specific performance but giving rise to right of action for damages a "legally binding contract"—Whether agent entitled to commission. **Scheggia v. Gradwell,** C.A. [1963] 1 W.L.R. 1049.

Deposit

Money paid by prospective purchaser subject to contract—No statement of terms on which agent to hold money—Whether estate agent holding as vendor's agent—Whether as stakeholder—No contract for sale entered into—Whether vendor liable for return of deposit. **Goding v. Frazer,** Sachs J. [1967] 1 W.L.R. 286.

Warranty

Agent instructed to find tenant—Statement by agent as to permitted user of premises—Whether warranty—Whether, if warranty, within agent's ostensible authority. **Hill v. Harris,** C.A. [1965] 2 Q.B. 601; [1965] 2 W.L.R. 1331.

Fiduciary relationship

Accountability for profit made by agent. See TRUSTS (**Profit by trustee from trust**).

Interest on principal's money

Ownership—Solicitor and client. **Brown v. Inland Revenue Comrs.,** H.L.(Sc.) [1965] A.C. 244; [1964] 3 W.L.R. 511.

Profit from agency

Accountability for profit made by agent—Self-appointed agents for trustees—Whether agents entitled to remuneration for work done. **Phipps v. Boardman,** C.A. [1965] Ch. 992; [1965] 2 W.L.R. 839. H.L.(E.) [1967] 2 A.C. 46; [1966] 3 W.L.R. 1009.

Fire assessors

Breach of confidence

Disclosure to third party by fire assessors of principals' insurance policy—Whether principals entitled to terminate agency. **L. S. Harris Trustees Ltd. v. Power Packing Services (Hermit Road) Ltd.,** Paull J. [1970] 2 Lloyd's Rep. 65.

Forwarding agents

Changes

Liability of shipping or consignees. **E. W. Taylor & Co. (Forwarding) Ltd. v. Bell,** Cooke J. [1968] 2 Lloyd's Rep. 63.

Hire-purchase. *See* HIRE-PURCHASE.

Insurance broker

Broker acting for assured

Broker subsequently accepting instructions from underwriters unknown to assured—Whether broker agent for assured or for underwriters—Whether in breach of duty. **Anglo-African Merchants Ltd. v. Bayley,** Megaw J. [1970] 1 Q.B. 311; [1969] 2 W.L.R. 686.

AGENCY—*continued.*

Insurance broker—*continued.*

Liability for negligence

Insured recommended by brokers to insure with motor insurance company known to be in financial difficulties—60-day cover note issued—Company insolvent—Letter from brokers stating that insured was effectively insured—Insured involved in accident—Insured fined for driving while uninsured, and held civilly liable to third party—Claim against brokers for damages for breach of contract or negligence—Remoteness of damages. **Osman v. J. Ralph Moss Ltd.,** C.A. [1970] 1 Lloyd's Rep. 313.

Master as agent of servant or independent contractor

Exceptions clause in contract by master

Whether protecting servant or contractor employed by master.
Midland Silicones Ltd. v. Scruttons Ltd., H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Mercantile agent

Possession of goods

Car hire firm selling off old cars in fleet—No sales made on behalf of others—Whether "mercantile agent"—In possession of cars under hire-purchase agreements—Whether in possession as mercantile agent—Illegal hire-purchase agreements—Whether in possession with "consent" of owner—Factors Act, 1889, ss. 1 (1), 2 (1).
Belvoir Finance Co. Ltd. v. Harold G. Cole & Co. Ltd., Donaldson J. [1969] 1 W.L.R. 1877.

Power of mercantile agent to transfer title dependent on possession being given to him as mercantile agent—Motor car—Company operating mainly self-drive hire business but selling second-hand cars as ancillary business—New car released to company by motor distributors, as addition to self-drive hire fleet—Sale of new car to customer—Hire-purchase agreement by company with finance house after sale of car—Whether title to car passed on sale by company to customer—Factors Act, 1889, s. 2 (1).
Astley Industrial Trust Ltd. v. Miller (Oakes Third Party), Chapman J. [1968] 2 All E.R. 36.

Sale of motor car

Agent expressly authorised to sell car to produce specified sum for principal—Car sold by agent ostensibly as principal—Condition of sale that price be paid to agent's creditor—Agent's authority to sell "other than in the ordinary course of business"—Factors Act, 1889, s. 2.
Lloyds & Scottish Finance Ltd. v. Williamson, C.A. [1965] 1 W.L.R. 404.

Car deposited with agent provisionally for sale without ignition key—Registration book obtained without consent of owner—Sale of car with book to bona fide purchaser—Purchaser's title—"Goods"—Meaning—Factors Act, 1889, s. 2 (1) (4).
Stadium Finance Ltd. v. Robbins, C.A. [1962] 2 Q.B. 664; [1962] 3 W.L.R. 453.

Car obtained by false pretences—Contract disaffirmed by original owners—Subsequent sale to innocent third party acting in good faith—Whether in ordinary course of business of mercantile agent—Dealings in Warren Street—Factors Act, 1889, ss. 2 (2), 9.
Newtons of Wembley Ltd. v. Williams, Davies L.J. [1964] 1 W.L.R. 1028. C.A. [1965] 1 Q.B. 560; [1964] 3 W.L.R. 888.

Personal liability of agent

Election whom to sue

Issue of writ—Undisclosed principal—Exercise of election—Whether question of law or fact—Issue and service of writ against principal—Whether bar to subsequent proceedings against agent.
Clarkson Booker Ltd. v. Andjel, C.A. [1964] 2 Q.B. 775; [1964] 3 W.L.R. 466.

Ratification

Competency of principal

Action by local authority for abatement of nuisance—Being "of opinion" of necessity therefor—Resolution accordingly after issue of writ by solicitors—Whether authority competent to ratify issue of writ—Public Health Act, 1936, s. 100.
Warwick Rural District Council v. Miller-Mead, Widgery J. [1961] Ch. 590; [1961] 3 W.L.R. 737; C.A. [1962] Ch. 441; [1962] 2 W.L.R. 284.

Consent to use of name

Deposit on sale of ship—Consent to use of name as joint account holder—Whether agent of depositor. **The Ranger,** Mocatta J. [1970] 1 Lloyd's Rep. 32.

Part ratification

Embracing whole transaction—Ultra vires act by special manager in provisional liquidation—Liquidator's acceptance of payment for work done involving ratification of necessary and related outgoings. *In re* **Mawcon Ltd.,** Pennycuick J. [1969] 1 W.L.R. 78.

Prior withdrawal

Notice to other party of limitation of agent's authority—No concluded contract before ratification—Eastern Africa (Kenya).
Warehousing & Forwarding Co. of East Africa Ltd. v. Jafferali & Sons Ltd., P.C. [1964] A.C. 1; [1963] 3 W.L.R. 489.

AGENCY—*continued.*

Undisclosed principal

Failure to disclose

Motor car deposited with agent with authority to sell—Agent pressed by principal to sell quickly to produce fixed sum for principal—Sale by agent ostensibly as principal—Bona fide belief by purchaser that agent the owner of motor car—Condition of sale made by purchaser that purchase price be paid to agent's creditor—Whether sale within agent's authority—Purchaser's title.
Lloyds & Scottish Finance Ltd. v. Williamson, C.A. [1965] 1 W.L.R. 404.

Foreign principal

Privity of contract—Whether English agent authorised to create privity of contract—Whether trade usage to the contrary.
Teheran-Europe Co. Ltd. v. S. T. Belton (Tractors) Ltd.,
Donaldson J. [1968] 2 Q.B. 53; [1968] 2 W.L.R. 523.
C.A. [1968] 2 Q.B. 545; [1968] 3 W.L.R. 205.

Principal-agent relationship towards third party

Whether principal estopped by dismissal—Discontinuance of action by trustee in bankruptcy — Action dismissed — Second action commenced by principal — Whether trust relationship between undisclosed principal and agent vis-à-vis third party—Whether principal estopped by dismissal.
Pople v. Evans, Ungoed-Thomas J. [1969] 2 Ch. 255; [1968] 3 W.L.R. 97.

Whether agent for

Circle of contracts—Consignment of lard sold c.i.f. in America for delivery in United Kingdom—Lard resold by buyers to English company at enhanced price—No knowledge of buyers that goods to be sold back by English company to original suppliers—Fraudulent misrepresentation by original suppliers—English company not fraudulent—Whether contract to resell goods to original suppliers a sham—Whether English company agents of original suppliers—Whether buyers entitled to rescind contract.
Garnac Grain Co. Inc. v. H. M. F. Faure & Fairclough Ltd.,
C.A. [1966] 1 Q.B. 650; [1965] 3 W.L.R. 934.
H.L.(E.) [1968] A.C. 1130; [1967] 3 W.L.R. 143.

Vicarious liability. *See* VICARIOUS LIABILITY.

AGRICULTURAL HOLDING

Agricultural land tribunal

Consent to operation of notice to quit

Landlord's intention to sell—"Hardship"—Whether limited—Matters to be taken into consideration—Agricultural Holdings Act, 1948, s. 25 (1) (*d*) (as amended)—Agriculture Act, 1958, s. 3 (2). **Purser v. Bailey,** Divl.Ct. [1967] 1 Q.B. 526; [1967] 2 W.L.R. 146.
C.A. [1967] 2 Q.B. 500; [1967] 2 W.L.R. 1500.

Arbitration

Award

Form—Power of arbitrator to make conditional award—Landlord's notice to quit referred to arbitration—Consultative case stated for opinion of county court—Case stated including conditional final award—Effect—Whether in conflict with statutory code—Whether arbitration terminated—Whether landlord entitled to possession—Agricultural Holdings Act, 1948, ss. 24 (2) (*b*), 77, Sch. 6—Agricultural Holdings (England and Wales) Rules, 1948, Sch. 1, r. 1—Agricultural Land Tribunals and Notices to Quit Order, 1959, arts. 3, 7, 8.
Public Trustee v. Randag, Plowman J. [1966] Ch. 649; [1965] 3 W.L.R. 1156.

Jurisdiction of court

Appointment of arbitrator by Minister—Alleged to be invalid—Question of jurisdiction of arbitrator — Jurisdiction expressly conferred on county court — Whether concurrent jurisdiction in High Court — Agricultural Holdings Act, 1948, Sch. 6, para. 24 — Agriculture Act, 1958, Sch. 1, para. 21 (1).
Jones v. Pembrokeshire County Council, Megaw J. [1967] 1 Q.B. 181; [1966] 2 W.L.R. 938.

Setting aside award

Error of law on face of award—Jurisdiction of High Court—Reasons for arbitrator's decision in letter subsequent to award—Reasons inadequate—Whether part of award—Whether error of law on face of award—Agricultural Holdings Act, 1948, s. 77, Sch. 6, paras. 24, 25—Tribunals and Inquiries Act, 1958, s. 12 (1) (3).
In re **Poyser and Mills' Arbitration,** Megaw J. [1964] 2 Q.B. 467; [1963] 2 W.L.R. 1309.

AGRICULTURAL HOLDING—*continued.*

Arbitration—*continued.*

Whether exclusive remedy

Notice to quit—Validity—Special case stated—Tenant's contest of reason stated by landlord—Whether reference to arbitration permissive or mandatory—Whether jurisdiction of the High Court excluded—Agricultural Land Tribunals and Notices to Quit Order, art. 6—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*d*).
Attorney-General (Duchy of Lancaster) v. Simcock, Pennycuick J. [1966] Ch. 1; [1965] 2 W.L.R. 1126.

Death of tenant

Effect

Tenancy assigned before death—Whether original tenant or assignee "tenant with whom the contract of tenancy was made"—"Tenant"—Meaning—Agricultural Holdings Act, 1948, s. 24 (2) (*g*).
Clarke v. Hall, Widgery J. [1961] 2 Q.B. 331; [1961] 2 W.L.R. 836.

Definition. (*See also* **Tenancy within Act.**)

Licence to occupy for agricultural use

Farming partnership—Agreement between life tenant of house and farm and working farmer—Farming activities carried on by farmer—Farmer subsequently permitted to live rent free in part of farmhouse—Rest of house occupied by life tenant—Termination of partnership—Notices served on farmer terminating licences to occupy house and land—Whether licences capable of creating agricultural tenancy—Agricultural Holdings Act, 1948, s. 2 (1). **Harrison-Broadley v. Smith,** C.A. [1964] 1 W.L.R. 456.

————————Agreement silent about right to occupy—Whether licence to occupy land for use as agricultural land implicit in agreement—"Occupy"—Agricultural Holdings Act, 1948, s. 2 (1).
Harrison-Broadley v. Smith, Salmon J. [1963] 1 W.L.R. 1262.

"*Trade or business,*" *for purposes of*

Non-agricultural—Field used for grazing horses used in riding school—Whether "agricultural land used for the purposes of a trade or business"—"Agriculture"—Meaning—Agricultural Holdings Act, 1948, ss. 1 (2), 94 (1).
Rutherford v. Maurer, C.A. [1962] 1 Q.B. 16; [1961] 3 W.L.R. 5.

Licence or tenancy

Requisitioned land

Licence to occupy and use R.A.F. airfield as agricultural land—Licence granted by Secretary of State for Air and Minister of Agriculture—Covenant to keep runway fences visible from air—Approval by Minister of grant by Government departments and scheduled authorities of "every licence to occupy and use as agricultural land any land" belonging to scheduled authorities—Secretary of State for Air a scheduled authority—Misdescription of power in document of approval—Whether effective—Whether grant "approved by the Minister"—Whether agreement to take effect as if agreement for a tenancy—Agricultural Holdings Act, 1948, s. 2 (1).
Finbow v. Air Ministry, McNair J. [1963] 1 W.L.R. 697.

Non-agricultural use, land required for

Planning permission

General permission—Whether sufficient—Crown—Land required for afforestation—Notice to quit served by Crown—Consent of Agricultural Land Tribunal not obtained—Whether restrictions on operation of notice to quit binding on Crown—Agricultural Holdings Act, 1948, ss. 24 (2) (*b*), 87 (2) (*a*) (*b*)—Agriculture Act, 1958, s. 3.
Ministry of Agriculture, Fisheries and Food v. Jenkins, C.A. [1963] 2 Q.B. 317; [1963] 2 W.L.R. 906.

Notice to quit

Effect

Hay left on holding destroyed by fire—Tenant's insurable interest—Whether property passed "by operation of law"—Insurers' liability to indemnify for loss—Agricultural Holdings Act, 1948, s. 12 (1).
Thomas v. National Farmers' Union Mutual Insurance Society Ltd., Diplock J. [1961] 1 W.L.R. 386.

Service by postal recorded delivery

Whether due service established—Agricultural Holdings Act, 1948, s. 92 (1).
In re **Poyser and Mills' Arbitration,** Megaw J. [1964] 2 Q.B. 467; [1963] 2 W.L.R. 1309.

Validity

Notice requiring tenant to remedy breaches within six months—Landlords in breach of obligation to supply materials to enable tenant to comply with parts of notice to remedy in time—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*d*).
Shepherd v. Lomas, C.A. [1963] 1 W.L.R. 962.

AGRICULTURAL HOLDING—*continued.*

Notice to quit—*continued.*

Validity—continued.

Tenancy agreement made in 1941—Reduction in area and rent by successive surrenders—Agreements for increase of rent between assignee of tenancy and then landlord in 1961 and 1968—Death of original tenant—Notice to quit served within three months—Whether 1961 and 1968 agreements effected surrenders by operation of law of pre-existing tenancy and consequent grant of new tenancies—Whether notice to quit valid—Agricultural Holdings Act, 1948, s. 24 (2) (*g*).
Jenkin R. Lewis & Son Ltd. v. Kerman, Buckley J. [1970] 2 W.L.R. 378.
C.A. [1970] 3 W.L.R. 673.

Tenancy from year to year—Valid notice to quit—Second notice given one day before expiry of first notice—Effect—Whether new tenancy created—Whether notice effective—Agricultural Holdings Act, 1948, ss. 2 (1), 23 (1).
Lower v. Sorrell, C.A. [1963] 1 Q.B. 959; [1963] 2 W.L.R. 1.

Tenancy within Act. (*See also* **Definition.**)

Period of letting

Letting for grazing during "specified period of year"—Tenancy for "six month periods"—Agricultural Holdings Act, 1948, s. 2 (1), proviso.
Rutherford v. Maurer, C.A. [1962] 1 Q.B. 16; [1961] 3 W.L.R. 5.

Letting for "one year"—Whether let for interest less than tenancy from year to year—Agricultural Holdings Act, 1948, ss. 2 (1), 3 (1).
Bernays v. Prosser, C.A. [1963] 2 Q.B. 592; [1963] 2 W.L.R. 1255.

Possession for trial period

No intention by either freeholder or occupier to create immediate tenancy or to transfer ownership of stock—Whether binding contract to grant tenancy—Whether tenancy within Act—Agricultural Holdings Act, 1948, s. 2 (1).
Verrall v. Farnes, Cross J. [1966] 1 W.L.R. 1254.

AGRICULTURE

Agricultural marketing

Milk marketing scheme

Complaint to Minister—Duty of Minister—Reference to committee of investigation—Agricultural Marketing Act, 1958, s. 19 (3).
Padfield v. Minister of Agriculture, Fisheries and Food,
C.A. and H.L.(E.) [1968] A.C. 997; [1968] 2 W.L.R. 924.

Fertiliser

Analysis of sample

"Parcel"—Sampling—Fertiliser in 1 cwt. bags stacked 20 to a pallet—Sample of four bags from one pallet showing deficiency—Whether sample taken from "parcel"—Fertilisers and Feeding Stuffs Act, 1926, s. 4 (1) (3).
Soil Fertility Ltd. v. Breed, D.C. [1968] 3 All E.R. 193; 67 L.G.R. 162.

Public interest

Efficient operation of farming

Whether in public interest—Operation of farms inefficient without telephones—Farms in remote areas—Whether in public interest for farms to have telephones.
Cartwright v. Post Office, Willis J. [1968] 2 Q.B. 439; [1968] 3 W.L.R. 63.
C.A. [1969] 2 Q.B. 62; [1969] 2 W.L.R. 323.

AIRCRAFT. (*See also* CRIME.)

Carriage by air

International carriage

Limitation of liability—Loss of goods—Convention of Warsaw—Theft by carriers' servant—Whether carriers' liability limited—Omission of "volume or dimensions" from waybill—"And" or "or"—Effect—Whether limitation avoided by Convention—Whether official French text or English statutory mistranslation prevails—Carriage by Air Act, 1932, s. 1, Sch. 1—Warsaw Convention, arts. 8, 9, 22, 23.
Corocraft Ltd. v. Pan American Airways Inc.,
Donaldson J. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 714.
C.A. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 1273.

Loss of goods—Convention of Warsaw—Statement on air waybill—Whether waybill conformed to rules of Convention—"International carriage"—Carriage by Air Act, 1932, s. 1, Sch. 1—Warsaw Convention, arts. 8, 9, 22 (2).
Samuel Montagu & Co. Ltd. v. Swiss Air Transport Co. Ltd.,
C.A. [1966] 2 Q.B. 306; [1966] 2 W.L.R. 854.

Passenger ticket

Baggage check—Notification of limitation of liability under Warsaw Convention virtually invisible—Effect on liability of carrier—Whether notification required on ticket and check—Warsaw Convention, 1929, arts. 3, 4.
Lisi v. Alitalia-Linee Aeree Italiane S.P.A., U.S. Supreme Ct.
[1968] 1 Lloyd's Rep. 505.

ALIEN. (*See also* NATIONALITY.)

Deportation order

Power of court

Alien convicted of breach of landing condition contrary to provisions of statutory order—Court requiring alien to enter into recognisances to leave United Kingdom within two months—Deportation order made against alien within that period—Power of court to require recognisances—No jurisdiction in court to impose conditions which exclude absolute discretion of Home Secretary to make deportation order—Aliens Order, 1953, arts. 25 (1), 26 (1) (as amended).
Reg. v. Governor of Brixton Prison, *Ex parte* **Havlide,** D.C. [1969] 1 W.L.R. 42.

Power of justices

Alien charged with and pleading guilty to breach of landing condition contrary to provisions of statutory Order—Justices requiring alien to enter into recognisances to leave United Kingdom in seven days—Order vesting deportation procedure in Home Secretary subject to safeguards—No provisions in Order entitling justices to require alien to deport himself—Justices' order quashed—Aliens Restriction Act, 1914, s. 1 (1) (2) (as amended by Aliens Restriction (Amendment) Act, 1919, s. 1)—Aliens Order, 1953, arts. 25, 26 (1) (2) (as amended). **Reg. v. East Grinstead Justices,** *Ex parte* **Doeve,** D.C. [1969] 1 Q.B. 136; [1968] 3 W.L.R. 920.

Validity

Refusal of leave to land—United States citizen convicted of spying in United States—Wounds inflicted on himself on aircraft bound for United States—Taken off aerodrome for medical treatment—Order for deportation by aircraft to United States—Whether Aliens Order, 1953, ultra vires—Whether alien refused leave to land may be deported—Whether deportation a judicial or quasi-judicial act requiring inquiry—Whether political character of deportation relevant matter for court—Whether power to deport alien to own country—Aliens Restriction Act, 1914, s. 1 (1)—Aliens Restriction (Amendment) Act, 1919, s. 1 (1)—Aliens Order, 1953, arts. 8 (1), 20 (1) (2), 21 (4).
Reg. v. Governor of Brixton Prison, *Ex parte* **Soblen,** John Stephenson J. and C.A. [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154.

Landing or embarkation

Airport

Leave to land—Meaning—Hospital treatment required to save alien's life—Acquiescence of immigration authority in landing subject to continuous police supervision—Service of notice of refusal of landing permission after unavoidable delay—Effect—Aliens Order, 1953, arts. 1, 8 (4). **Reg. v. Secretary of State for Home Affairs,** *Ex parte* **Soblen,** Divl.Ct. and C.A. [1963] 1 Q.B. 829; [1962] 3 W.L.R. 1145.

Whether right of entry

Extension of stay—Refusal of extension—Discretion of Home Secretary—Whether invalid or contrary to natural justice—Whether action challenging validity of refusal maintainable—Aliens Order, 1953, arts. 1 (1), 5 (1) (3)—R.S.C. (Rev. 1965), Ord. 18, r. 19.
Schmidt v. Secretary of State for Home Affairs, Ungoed-Thomas J. and C.A. [1969] 2 Ch. 149; [1969] 2 W.L.R. 337.

ANIMAL. (*See also* TRESPASS **(Cattle)**.)

Agistment

Lien

Care of herd of pigs—Supervision of natural increase—Boars provided by owners of pigs—Farmer's claim for cost of feeding and care—Whether improvement of herd—Whether farmer a particular lien on pigs.
In re **Southern Livestock Producers Ltd.,** Pennycuick J. [1964] 1 W.L.R. 24.

Bird

"Poultry"

Whether including partridges and pheasants.
Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Association, H.L.(E.) [1969] 2 A.C. 31; [1968] 3 W.L.R. 110.

Protection

"Offers for sale"—Advertisement under "classified advertisements"—"Bramblefinch cocks, bramblefinch hens, 25s. each"—Whether offer for sale—Whether invitation to treat—Bird with easily removable ring—Whether "close ringed"—Protection of Birds Act, 1954, s. 6 (1) (*a*). **Partridge v. Crittenden,** D.C. [1968] 1 W.L.R. 1204.

Captive animal

Hunted stag

Whether protected—Stag trapped under van—Dragged to enclosure where killed with knife—Whether a "captive animal"—"In captivity or confinement"—Protection of Animals Act, 1911, ss. 1 (1) (3), 15 (*a*) (*c*).
Rowley v. Murphy, Divl.Ct. [1964] 2 Q.B. 43; [1963] 3 W.L.R. 1061.

ANIMAL—*continued.*

Dog

Control

Civil proceedings started by information—Validity—Criminal proceedings heard simultaneously—Whether consent given to trial of informations together—Whether inadmissible evidence admitted on criminal proceedings—Validity of proceedings—Dogs Act, 1871, s. 2—Dogs (Protection of Livestock) Act, 1953, s. 1.
Reg. v. Dunmow Justices, *Ex parte* **Anderson,** Divl.Ct. [1964] 1 W.L.R. 1039.

Complaint—Complaint by police officer—Whether police officer proper complainant—Dogs Act, 1871, s. 2. **Smith v. Baker,** Divl.Ct. [1961] 1 W.L.R. 38.

Dangerous dog sold by owner—Dog adjudged dangerous and not kept under control by previous owner—Complaint against new owner alleging that dog not kept under proper control—Whether complaint properly made against new owner—Jurisdiction to make order against new owner—Dogs Act, 1871, s. 2.
Reg. v. Leicester Justices, *Ex parte* **Workman,** Divl.Ct. [1964] 1 W.L.R. 707.

Dog ordered to be destroyed—Bona fide change of ownership—Order against previous owner—Jurisdiction of justices—Dogs Act, 1871, s. 2.
Reg. v. Jones, *Ex parte* **Daunton,** Divl.Ct. [1963] 1 W.L.R. 270.

"Dangerous" or "ferocious"

Finding that dog not ferocious—Subsequent finding that dog dangerous and not kept under proper control—Findings based on same evidence—Whether consistent—"Ferocious"—"Dangerous"—Metropolitan Police Act, 1839, s. 54 (2)—Dogs Act, 1871, s. 2.
Keddle v. Payn, Divl.Ct. [1964] 1 W.L.R. 262.

Highway

Dog running across urban street—Collision with motor van—Whether duty of care to control—Liability of owner.
Gomberg v. Smith, C.A. [1963] 1 Q.B. 25; [1962] 2 W.L.R. 749.

Dog's sudden dash from house across road—Collision with motor-car—View of entrance obstructed by hedge—Narrow busy road with bend 140 feet from drive—Habitually open gate through which dog accustomed to pass unaccompanied—Whether duty of care to control—Whether special circumstances creating duty—Liability of owner.
Ellis v. Johnstone, C.A. [1963] 2 Q.B. 8; [1963] 2 W.L.R. 176.

Killing

Lawful excuse—Test—Foxhound running wild on common land—Owner unknown—Possible future danger to sheep and lambs—No real or imminent danger—Shot by person not owning sheep or lambs—Whether shooting lawfully justified—Malicious Damage Act, 1861, s. 41.
Workman v. Cowper, Divl.Ct. [1961] 2 Q.B. 143; [1961] 2 W.L.R. 386.

Fish. *See* Fishery.

Highway

Public footpath across field

Natural playful propensity of filly—Scienter—Whether dangerous animal—Duty to users of footpath. **Fitzgerald v. E. D. and A. D. Cooke Bourne (Farms) Ltd.,** C.A. [1964] 1 Q.B. 249; [1963] 3 W.L.R. 522.

Ownership of progeny

Hiring

Ewes—Acquisition by hire-purchase agreement with finance company—Subsequent birth of lambs—Hirer's sale of ewes and lambs—Whether lambs property of purchaser or finance company. **Tucker v. Farm and General Investment Trust Ltd.,** C.A. [1966] 2 Q.B. 421; [1966] 2 W.L.R. 1241.

Salmon and trout. *See* Fishery.

Straying

Pony

Highway—Pony escaping from gymkhana event on to highway—Accident—Whether duty on owner to prevent pony's escape.
Bativala v. West, Bridge J. [1970] 1 Q.B. 716; [1970] 2 W.L.R. 8.

ANNUITY. *See* Revenue; Will (**Construction**).

APPEAL. *See* Bankruptcy; Costs; Court of Appeal; Crime (**Court of Criminal Appeal**); House of Lords; Husband and Wife (**Justices**); Justices; Legal Aid (**Costs**); Privy Council.

ARBITRATION

Agricultural holding. *See* Agricultural Holding.

Arbitration clause in contract

Ambiguity

"Any dispute" to be referred to London and "any other dispute" to Moscow—Effect—"Uncertain to the extent of being meaningless."
E. J. R. Lovelock Ltd. v. Exportles, C.A. [1968] 1 Lloyd's Rep. 163.

Ambit

"Any dispute arising during execution of this charterparty"—Award by umpire of damages for alleged wrongful arrest of vessel—Whether arrest after execution of charterparty within ambit of arbitration clause—Whether award in excess of umpire's Jurisdiction. **Astro Vencedor Compania Naviera S.A. v. Mabanaft G.m.b.H.,** Mocatta J. [1970] 2 Lloyd's Rep. 267.

Conflicting provisions

Sale of goods—Conflicting provisions as to arbitration in sellers' sold notes and buyers' order forms—Claim by buyers on letters of indemnity and for breach of contract—Whether claim for breach of contract to be stayed—Meaning of "between parties, subject . . . to the jurisdiction of different Contracting States"—Arbitration Act, 1950, s. 4, Sch. 1, art. 1.
Brazendale & Co. Ltd. v. Saint Freres S.A., Mocatta J. [1970] 2 Lloyd's Rep. 34.

Contract for sale of yacht

Arbitration in respect of "any dispute difference or question" arising—Dispute on existence of defects—Whether matter for arbitration.
Docker v. Hyams, C.A. [1969] 1 W.L.R. 1060.

Validity

Contract between insurance brokers—"Suitable arbitration clause"—Whether valid submission to arbitration—Arbitration Act, 1950.
Hobbs Padgett & Co. (Reinsurance) Ltd. v. J. C. Kirkland Ltd., C.A. [1969] 2 Lloyd's Rep. 547.

Arbitrator

Authority of

Power of court to revoke—To be exercised only in exceptional circumstances such as misconduct of arbitrator—Arbitration Act, 1950, s. 1.
City Centre Properties (I.T.C. Pensions) Ltd. v. Matthew Hall & Co. Ltd., [1969] 1 W.L.R. 772.

Duties of

Shipping arbitration—Customary procedure—Whether formal hearing required—Whether arbitrators in breach in receiving one party's evidence without informing the other—Whether arbitrators required to give warning before proceeding in default of defence—Nature of maritime arbitration.
The Myron, Donaldson J. [1970] 1 Q.B. 527; [1969] 3 W.L.R. 292.

Jurisdiction

Agreement in English standard-form R.I.B.A. contract—Work to be done in Scotland by Scottish company—Dispute—Scottish architect appointed arbitrator—Arbitration in Scotland with Scottish procedure—Whether English or Scottish law the proper law.
Whitworth Street Estates (Manchester) Ltd. v. James Miller & Partners Ltd., C.A. [1969] 1 W.L.R. 377.

Award—Motion to set aside or remit—Alleged misconduct by Appeal Board in refusing to hear relevant evidence and allow questioning of witnesses—Whether arbitrator could refuse a party right to examine a witness tendered by that party—Whether right to object waived if party did not ask for consultative case.
Faure, Fairclough Ltd. v. Premier Oil & Cake Mills Ltd., Donaldson J. [1968] 1 Lloyd's Rep. 237.

R.I.B.A. contract—English standard form—Work to be done for English company in Scotland by Scottish company—English nominated architect—Dispute—Scottish architect appointed arbitrator—Arbitration in Scotland following Scottish procedure—Whether law of arbitration English or Scottish—Lex fori—Whether law of arbitration may be different from proper law of contract—Conduct of parties after appointment of arbitrator—Whether showing acceptance by English company that Scottish law should govern arbitration proceedings.
Whitworth Street Estates (Manchester) Ltd. v. James Miller & Partners Ltd., H.L.(E.) [1970] A.C. 583; [1970] 2 W.L.R. 728.

Scandinavian shipping contract—Foreign parties—Arbitration in London—Whether inference that English law proper law.
Tzortzis v. Monark Line A/B, C.A. [1968] 1 W.L.R. 406.

ARBITRATION—*continued.*

Arbitrator—*continued.*

Jurisdiction—continued.

Standard tanker voyage charterparty—Foreign parties—Clause providing contract to be governed by law of flag—Clause providing for arbitration in London—Proper law.
Compagnie Tunisienne de Navigation S.A. v. Compagnie D'Armement Maritime S.A., Megaw J. [1969] 1 W.L.R. 449.

Misconduct

Facts found of own knowledge—Duty to inform parties and give opportunity of further hearing. **Thomas Borthwick (Glasgow) Ltd. v. Faure, Fairclough Ltd.,** Donaldson J. [1968] 1 Lloyd's Rep. 16.

Two-tiered arbitration — Allegation of misconduct by arbitrator — Umpire's award confirmed by board of appeal—Award of board final—No misconduct alleged against board —Arbitration Act, 1950, s. 23 (2).
Giacomo Costa Fu Andrea v. British Italian Trading Co. Ltd., C.A. [1963] 1 Q.B. 201; [1962] 3 W.L.R. 512.

Power of High Court to appoint

Sale of ship on " Saleform " form—Disputes to be decided by " a single arbitrator " or by three arbitrators to be appointed—Failure by parties to agree—Power of court to appoint arbitrator in default and third arbitrator—Applicability of Arbitration Act, 1950, s. 10 (*a*).
Medor Lines S.P.A. v. Traelandsfos A/S., Donaldson J. [1969] 2 Lloyd's Rep. 225.

Standard R.I.B.A. arbitration clause incorporated into contract—Space for arbitrator's name left bank—In event of arbitrator's death or unwillingness to act disputes to be referred to President of R.I.B.A.—" In the event of his death or unwillingness to act " not deleted—Whether " a written agreement to submit . . . differences to arbitration "—Whether clause void for uncertainty—Power of President of R.I.B.A. to arbitrate —Jurisdiction of court—Arbitration Act, 1950, ss. 6, 10, 32.
Davies, Middleton & Davies Ltd. v. Cardiff Corpn., C.A. (1964) 62 L.G.R. 134.

Award

Agricultural holding

Consultative case stated for opinion of county court—Final conditional award included in case stated—Whether a valid award—Agricultural Holdings Act, 1948, ss. 24 (2) (*b*), 77, Sch. 6—Agricultural Holdings (England and Wales) Rules, 1948, r. 1, Sch. 1—Agricultural Land Tribunals and Notices to Quit Order, 1959, Sch. 1.
Public Trustee v. Randag, Plowman J. [1966] Ch. 649; [1965] 3 W.L.R. 1156.

Delivery of award

Date of delivery—Award taken up one day by one party—Posted to other party who received it following day—Time for appeal 14 days after delivery—Whether delivered when taken up or following day—London Building Acts (Amendment) Act, 1939, s. 55 (*n*). **Riley Gowler Ltd. v. National Heart Hospital Board of Governors,** C.A. [1969] 3 All E.R. 1401.

Enforcement

Admission of cross-claim by successful claimant in arbitration proceedings—Whether leave be given to enforce award as judgment—Arbitration Act, 1950, s. 26.
E. D. & F. Man v. Société Anonyme Tripolitaine des Usines de Raffinage de Sucre, Donaldson J. [1970] 2 Lloyd's Rep. 416.

Error on face

Incorporation of contract—Award that " the contract is void "—Whether contract incorporated into award—Whether error of law on face of award.
Giacomo Costa Fu Andrea v. British Italian Trading Co. Ltd., C.A. [1963] 1 Q.B. 201; [1962] 3 W.L.R. 512.

Itemisation of claim and counterclaim by arbitrator in award—Mathematical error apparent only if award compared with pleadings—Whether pleadings available to be referred to by the court—Whether pleadings forming special category of case—Whether pleadings incorporated into award—Whether error on face of award.
Belsfield Court Construction Co. Ltd. v. Pywell, Willis J. [1970] 2 Q.B. 47; [1969] 3 W.L.R. 1051.

Form

Amount of damages not stated on face of award—Enforceability—Comments by court.
Cremer v. Samanta and Samanta, Donaldson J. [1968] 1 Lloyd's Rep. 156.

Interest

Award in form of special case—Award upheld by court—Interest on award—Comments by court—Arbitration Act, 1950, s. 20—Judgments Act, 1838.
R. Pagnan & Fratelli v. Tradax Export S.A., Donaldson J. [1969] 2 Lloyd's Rep. 150.

ARBITRATION—*continued.*

Award—*continued.*

Interest—continued.

Rate—Arbitration Act, 1950, s. 20.

London & Overseas Freighters Ltd. v. Timber Shipping Co. S.A., C.A. [1970] 3 W.L.R. 784.

———Principles applicable.

The Myron, Donaldson J. [1970] 1 Q.B. 527; [1969] 3 W.L.R. 292.

Jurisdiction of appeal court

Alleged misconduct and/or error of law on face of award—Umpire's decision varied by appeal court on ground not before umpire—Whether award beyond jurisdiction of appeal court—Whether appeal court should ask for arguments on both sides.

Gunter Henck v. Andre & Cie., Mocatta J. [1970] 1 Lloyd's Rep. 235.

Reasons

Dispute under insurance policy—Whether reasons for award formed part of award—Construction of policy referred to arbitrator—Whether reference rendered error in construction appearing on award unimpeachable by court.

Queensland Government Railways v. Manufacturers' Mutual Insurance Ltd., Australia High Ct. [1969] 1 Lloyd's Rep. 214.

Case stated. *See* **Special case.**

Costs

Discretion of arbitrator

Successful claimant ordered to pay costs of arbitration whether sufficient material shown by unsuccessful party for departing from usual order—Whether proper exercise of discretion. **Dineen v. Walpole,** C.A. [1969] 1 Lloyd's Rep. 261.

Duty of umpire to tax or settle

Allegations that costs excessive—Jurisdiction of court—Arbitration Act, 1950, s. 18 (1).

Government of Ceylon v. Chandris, Megaw J. [1963] 2 Q.B. 327; [1963] 2 W.L.R. 1097.

Security for

Claimant resident abroad—No assets within jurisdiction—R.S.C., Ord. 65, r. 6—Arbitration Act, 1950, s. 12 (6) (*a*).

Hudson Strumpffabrik G.m.b.H. v. Bentley Engineering Co. Ltd., Mocatta J. [1962] 2 Q.B. 587; [1962] 3 W.L.R. 758.

Insolvency of claimant—Limited company—Whether jurisdiction to make order for security for respondent's costs—Discretion, exercise of—R.S.C., Ord. 23, r. 1—Arbitration Act, 1950, s. 12 (6) (*a*)—Companies Act, 1948, s. 447.

Bilcon Ltd. v. Fegmay Investments Ltd., Nield J. [1966] 2 Q.B. 221; [1966] 3 W.L.R. 118.

Special case

Annexing of documents to award

Evidence—Comments by court.

R. Pagnan & Fratelli v. Corbisa Industrial Agropacuaria Ltda., Roskill J. [1969] 2 Lloyd's Rep. 129.

Statement by court. **Thomas Borthwick (Glasgow) Ltd. v. Faure, Fairclough Ltd.,** Donaldson J. [1968] 1 Lloyd's Rep. 16.

Discretion to set aside

Award in form of special case—Award objective in form—Whether court empowered to set aside—Whether power discretionary—Small sums involved—Delay—Whether interests of justice best served by remission to same arbitrator.

S. J. & M. M. Price Ltd. v. Milner, Edmund Davies J. [1966] 1 W.L.R. 1235.

Findings of fact

Duty of parties to state to arbitrator all points on which facts to be found—Duty equally applicable whether lay or legally-qualified arbitrator—Circumstances in which court will remit case for further findings. **The White Rose,** Donaldson J. [1969] 1 W.L.R. 1098.

————————————————Rules precluding parties from legal representation at arbitration—Absence of finding of essential fact—Whether court's reluctance to remit case to find further facts reduced.

Aruna Mills Ltd. v. Dhanrajmal Gobindram, Donaldson J. [1968] 1 Q.B. 655; [1968] 2 W.L.R. 101.

Evidence—Whether arbitrator bound or entitled to append transcript of evidence—Question of law whether finding of fact supported by evidence—Form of case—Primary and secondary facts—Arbitration Act, 1950, s. 21.

Tersons Ltd. v. Stevenage Development Corpn., C.A. [1965] 1 Q.B. 37; [1964] 2 W.L.R. 225.

Mixed question of fact and law—How far finding binding on court—Whether de minimis rule applicable—Whether full cargo loaded.

Margaronis Navigation Agency Ltd. v. Henry W. Peabody & Co. of London Ltd., Roskill J. [1965] 1 Q.B. 300; [1964] 3 W.L.R. 111.
C.A. [1965] 2 Q.B. 430; [1964] 3 W.L.R. 873.

ARBITRATION—*continued.*

Special case—*continued.*

Findings of fact—continued.

Passing of property—Whether question of fact or law—Whether arbitrator's finding conclusive. **President of India v. Metcalfe Shipping Co. Ltd.,** Megaw J. [1969] 2 Q.B. 123; [1969] 2 W.L.R. 125.

Primary facts—Whether court bound by findings of fact.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., H.L.(E.) [1962] A.C. 93; [1961] 2 W.L.R. 633.

Form

Interim award—Effect of award—Subsequent consultative case—Whether claim for demurrage excluded by cesser clause—Estoppel.
Fidelitas Shipping Co. Ltd. v. V/O Exportchleb, C.A. [1966] 1 Q.B. 630; [1965] 2 W.L.R. 1059.

Stay of judicial proceedings

Action against third party

R.I.B.A. building contract with arbitration clause—Action against architect—Builders joined as defendants—Whether claim against builders should be stayed—Arbitration Act, 1950, s. 4 (1). **Taunton-Collins v. Cromie,** C.A. [1964] 1 W.L.R. 633.

"Arbitration agreement"

Education—Teachers' salaries fixed by Burnham report—Provision for committee of reference—Committee to determine any question of interpretation brought forward by local authorities' or teachers' panels—Whether an arbitration provision—Teacher's claim for additional salary—Whether jurisdiction to stay—Arbitration Act, 1950, s. 4.
Baron v. Sunderland Corpn., C.A. [1966] 2 Q.B. 56; [1966] 2 W.L.R. 363.

Bill of lading

Subject to Hague Rules—General arbitration clause incorporated—Damage to cargo—Issue of writ against carrier—Time for arbitration expired—Whether carrier entitled to stay. **The Merak,** Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

Nullity, contract alleged to be

Wide exceptions clause—Submission governed by protocol—Whether court had jurisdiction to refuse stay—Towage contract. **The Tradesman,** Karminski J. [1962] 1 W.L.R. 61.

Time bar

Arbitrator

Appointment—Charterparty—Centrocon arbitration clause—"Arbitrator to be appointed within three months of final discharge"—Other side notified of arbitrator's nomination within three-month period—Nominated arbitrator neither informed by appointors nor consenting to act within three-month period—Whether arbitrator "appointed" within clause—Requisites of appointment. **Tradax Export S.A. v. Volkswagenwerk A.G.,**
Megaw J. [1969] 2 Q.B. 599; [1969] 2 W.L.R. 498.
C.A. [1970] 1 Q.B. 537; [1970] 2 W.L.R. 339.

Extension of time

"Undue hardship"—Arbitration Act, 1950, s. 27.
Liberian Shipping Corpn. "Pegasus" v. A. King & Sons Ltd., C.A. [1967] 2 Q.B. 86; [1967] 2 W.L.R. 856.

New arbitrator

Buyers' claim for return of purchase price—Subsequent radical alteration of grounds for claim—Whether new arbitration proceedings required—Whether new ground time barred. **Panchaud Frères S.A. v. Etablissements General Grain Co.,**
Roskill J. [1969] 2 Lloyd's Rep. 109.
C.A. [1970] 1 Lloyd's Rep. 53.

Umpire

Unqualified umpire, appointment of

Contract providing that "arbitrators and umpires shall be commercial men and not lawyers"—Whether effective requirement—"Commercial men"—Appointment of lawyer by arbitrators—Case argued before umpire by arbitrators and award made—Whether arbitrators authority to appoint lawyer—Whether agents of principals.
Rahcassi Shipping Co. S.A. v. Blue Star Line Ltd.,
Roskill J. [1969] 1 Q.B. 173; [1967] 3 W.L.R. 1382.

ARCHITECT

Certificate. *See* BUILDING (**Contract**; *R.I.B.A. form*).

Duty to client

Contract

Breach—Architect and client—Sub-contracting without knowledge of client—Defective design of building—Whether fees recoverable by client as paid under a mistake of fact or for a consideration which had wholly failed—Damages—Costs of defending claim by builders—Whether too remote. **Hamlyn Construction Co. Ltd. v. Air Couriers Ltd.**, His Honour Norman Richards Q.C. [1968] 1 Lloyd's Rep. 395.

Negligence

Building contract

R.I.B.A. form—Work to be done in accordance with directions of architect—Architect's refusal to vary contract at request of bricklayer—Contract adhered to—Injury to bricklayer—Whether architect liable.
Clayton v. Woodman & Son (Builders) Ltd., Salmon J. [1962] 2 Q.B. 533; [1961] 3 W.L.R. 987.
C.A. [1962] 2 Q.B. 533; [1962] 1 W.L.R. 585.

Work to be done in accordance with directions of architect—Architect's sanction of variation of contract—Dangerous wall left standing instead of being demolished—Injury to building labourer working on site—Whether architect liable.
Clay v. A. J. Crump & Sons Ltd., C.A. [1964] 1 Q.B. 533; [1963] 3 W.L.R. 866.

Tort, whether liable in

Duty to client—Negligence—Whether breach of contract or tortious or both.
Bagot v. Stevens Scanlan & Co. Ltd., Diplock L.J. [1966] 1 Q.B. 197; [1964] 3 W.L.R. 1162.

ARMY. *See* MILITARY LAW.

ARREST

Bench warrant

Action for malicious arrest

Solicitor's application for bench warrant for attendance of witness—Evidence in court—Instructions to counsel—Arrest of witness—Whether action by witness against solicitor maintainable. **Roy v. Prior**, H.L.(E.) [1970] 3 W.L.R. 202.

Detention in custody

Constable, powers of

Duty to act reasonably—Power to arrest on suspicion—Power to take arrested person for reasonable investigation of suspected crime before delivery to police station and magistrates for committal.
Dallison v. Caffery, C.A. [1965] 1 Q.B. 348; [1964] 3 W.L.R. 385.

Without warrant

Obstruction

Car parked in restricted street—Refusal of owner to move car—Wilful obstruction of thoroughfare—Power of arrest—Owner told arrested for obstructing police by refusing to remove car and refusing name and address—Whether arrest lawful—Metropolitan Police Act, 1839, s. 54 (6). **Gelberg v. Miller**, Divl.Ct. [1961] 1 W.L.R. 153.

Police constable's power of

Person having in "any place" anything reasonable cause to suspect stolen—Not limited to public place—Special power to be applied strictly and used with caution—Summary Offences Ordinance (Laws of Trinidad and Tobago, Rev. c. 4, No. 17), s. 36. **Felix v. Thomas**, P.C. [1967] 1 A.C. 292; [1966] 3 W.L.R. 902.

Release from custody

Drink, driving under the influence of—No offence committed by driver—Driver not charged or required to enter into recognisance—Liability of arresting officer—Whether arrest lawful—Road Traffic Act, 1960, s. 6 (4)—Magistrates' Courts Act, 1952, s. 38.
Wiltshire v. Barrett, C.A. [1966] 1 Q.B. 312; [1965] 2 W.L.R. 1195.

When constituted

Compulsion followed by submission—Clear words necessary to bring home to defendant in circumstances that under compulsion—Simple words such as "I arrest you" preferable —Constable saying "I shall have to ask you to come to the police station . . ."—Effect on defendant—Whether question of fact—Road Safety Act, 1967, s. 2 (4).
Alderson v. Booth, D.C. [1969] 2 Q.B. 216; [1969] 2 W.L.R. 1252.

ASSAULT

Provocation

Damages

Fight after insult—Whether damages reduced by plaintiff's provocation—Whether plaintiff's conduct relevant to reduce damages—Whether maxims ex turpi causa non oritur actio and volenti non fit injuria apply—Law Reform (Contributory Negligence) Act, 1945, s. 1 (1). **Lane v. Holloway**, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

ASSESSOR

Statutory tribunal

Evidence

Whether necessary for assessor to hear oral evidence—Advisory capacity—National insurance claim. **Reg. v. Deputy Industrial Injuries Comr.**, *Ex parte* **Jones**, Divl.Ct. [1962] 2 Q.B. 677; [1962] 2 W.L.R. 1215.

ASSIGNMENT. (*See also* COPYRIGHT; LANDLORD AND TENANT.)

Equitable

Disposition of equitable interest

"Disposition" required to be in writing—Money paid to trustee inter vivos—Directions to trustee partly by letter, partly orally—Memorandum by trustee stating settlor's wishes communicated to trustee orally, with list of charities to be benefited, at trustee's discretion, annexed—List containing charities suggested either by trustee or by settlor up to date of death—Death of trustee—Whether memorandum admissible under section 1 of Evidence Act, 1938—Whether purported gifts to trustees as beneficiary, and to named charities valid—Whether gift to charity generally intended—Evidence Act, 1938, ss. 1, 2—Law of Property Act, 1925, s. 53 (1) (*c*).
In re **Tyler**, Pennycuick J. [1967] 1 W.L.R. 1269.

Legal estate in shares held by bank as bare trustee for taxpayer—Taxpayer directed bank to fill in share transfer deed in name of college—Share transfer deed executed in blank—Whether written disposition needed to transfer beneficial interest—Law of Property Act, 1925, s. 53 (1) (*c*). **Vandervell v. Inland Revenue Comrs.**,
Plowman J. and C.A. [1966] Ch. 261; [1965] 2 W.L.R. 1085.
H.L.(E.) [1967] 2 A.C. 291; [1967] 2 W.L.R. 87.

Legal

Cause of action in contract or tort

Assignment of cause of action by insured to underwriter—Underwriter's right to sue third party in own name—Law of Property Act, 1925, s. 136.
Compania Colombiana de Seguros v. Pacific Steam Navigation Co., Roskill J. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484.

Debt

Notice to debtor—Contents of notice—Whether date of assignment to be given—Effect of misstatement in notice—Law of Property Act, 1925, s. 136 (1).
Van Lynn Developments Ltd. v. Pelias Construction Co. Ltd., C.A. [1969] 1 Q.B. 607; [1968] 3 W.L.R. 1141.

ATTORNEY-GENERAL

Functions. *See* INJUNCTION (**Relator action**).

ATTORNMENT CLAUSE. *See* MORTGAGE.

AUDITOR. *See* ACCOUNTANT OR AUDITOR.

AUSTRALIA

Appeal to Privy Council

Jurisdiction

Appeal from New South Wales—Whether jurisdiction restricted by state procedural enactment—Whether compliance with provisions condition precedent to appeal—Action tried by judge without jury—No appeal to Supreme Court of New South Wales—Appeal to board—Right of appeal unfettered—Jurisdiction of board not restricted by procedural enactment—Findings of judge—Alterable on appeal—Supreme Court Procedure Act, 1900–57 (New South Wales), ss. 3, 5—Order-in-Council of April 2, 1909 (S.R. & O. 1909, No. 1521), r. 2 (*a*). **Woolworths Ltd. v. Stirling Henry Ltd.**, P.C. [1969] 1 A.C. 113; [1968] 3 W.L.R. 364.

Appealable value—Matter in dispute of value of "£500 sterling or upwards"—Difference in currency values—Whether English or Australian pounds—New South Wales—Order-in-Council of April 2, 1909, r. 2 (*a*). **Skelton v. Jones**, P.C. [1962] 1 W.L.R. 840.

Inter se question—Nature of—Decision having reciprocal effect of delimitation of constitutional distribution of powers—Licensing Act, 1928 (Victoria), s. 19 (1) (*a*)—Liquor Acts, 1912–1958 (Queensland), s. 18 (1)—Commonwealth of Australia Constitution Act, 1900, ss. 74, 90. **Dennis Hotels Proprietary Ltd. v. State of Victoria**, P.C. [1962] A.C. 25; [1961] 3 W.L.R. 268.

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Appeal to Privy Council—*continued.*

Practice

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Constitution

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"Absolutely free"—Contributions of individuals to cost of that consumed—Whether within freedom. **Freightlines & Construction Holding Ltd. v. State of New South Wales,** P.C. [1968] A.C. 625; [1967] 3 W.L.R. 749.

Insurance

Deposit

Parent company and wholly owned subsidiary company—Deposit by parent company of value required by statute—Whether Treasurer residual discretion to refuse to certify sufficient compliance—"Is, if the Treasurer . . . so certifies, a sufficient compliance"—Insurance Act, 1932–1960, s. 14. **Car Owners' Mutual Insurance Co. Ltd. v. Treasurer of the Commonwealth of Australia,** P.C. [1970] A.C. 527; [1969] 3 W.L.R. 374.

New South Wales

Agency

General agency—Agent operating foreign principal's Australian office—Import licences for equipment supplied to Australia by foreign principal held by agent—Arrangement and payment by agent for performance of foreign principal's contractual obligations in Australia—Collection of large sums due to foreign principal from customers—Foreign principal not interested in mechanism of reception of money and making of remittances—Sums due to foreign principal payable in Australian currency—Foreign principal without bank account in Australia—Agent indorsing foreign principal's cheques and paying them into his own account—Implied authority of agent to indorse cheques. **Australia and New Zealand Bank Ltd. v. Ateliers de Constructions Electriques de Charleroi,** P.C. [1967] 1 A.C. 86; [1966] 2 W.L.R. 1216.

Bailment

Sub-bailment—Stevedores and ships' agents taking possession of goods on delivery at wharf—Loss of goods—Whether relationship of bailor and bailee. **Gilchrist Watt and Sanderson Pty. Ltd. v. York Products Pty. Ltd.,** P.C. [1970] 1 W.L.R. 1262.

Banking

Fraud by employee of bank's customer—Fictitious cheques—Falsification of paying-in books—Cheques not "paid" or "collected" by bank—Contra entries only in customer's account—Whether bank put on inquiry—Bank's contractual duties. **Universal Guarantee Pty. Ltd. v. National Bank of Australasia Ltd.,** P.C. [1965] 1 W.L.R. 691.

Charity

Private hospital—Gift of income from residuary estate to the Sisters of Charity for purposes of private hospital—Whether valid charitable bequest. *In re* **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

Company

Loan by company for purchase of its own shares—Statutory illegality—Liability of directors to repay—Ignorance of law no defence—Exemption where loan made in ordinary course of company's business of moneylending—Definition of such lending—Saving of tax by company not the result of the illegal loan—No set-off against directors' liability—Companies Act, 1936 (New South Wales), s. 148 (1) (*a*). **Steen v. Law,** P.C. [1964] A.C. 287; [1963] 3 W.L.R. 802.

Shares—Compulsory acquisition—Joint offer by two companies—Applicability of compulsory acquisition procedure—Whether procedure for company structure or concentration of property interests—"Transferee company"—Interpretation Act, 1897 (N.S.W.) (No. 4 of 1897), s. 21—Companies Act, 1961 (N.S.W.) (No. 71 of 1961), s. 185. **Blue Metal Industries Ltd. v. Dilley,** P.C. [1970] A.C. 827; [1969] 3 W.L.R. 357.

Contract

Licence of right to mine magnesite—Terminable at will—Ad hoc arrangement for mutual advantage. **Australian Blue Metal Ltd. v. Hughes,** P.C. [1963] A.C. 74; [1962] 3 W.L.R. 802.

Sale of sawmill—Breaches by purchaser—Contract validly terminated—Purchaser not entitled to specific performance of ancillary obligations. **Australian Hardwoods Pty. Ltd. v. Comr. for Railways,** P.C. [1961] 1 W.L.R. 425.

Court of summary jurisdiction

Right of audience—Magistrate's discretionary power—Police officer informant—Case conducted by a different police officer—Principles applicable to exercise of magistrate's discretion—Justices Act, No. 27 of 1902, s. 70 (2) (New South Wales). **O'Toole v. Scott,** P.C. [1965] A.C. 939; [1965] 2 W.L.R. 1160.

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New South Wales—*continued.*

Crime

Homicide—Provocation—Issue wrongly withdrawn from jury—Statutory defence—Grossly insulting words or gestures as provocation—Provided act done "without intent to take life"—Onus—"Intent" to be qualified by "premeditated"—Interval between provocation and act causing death—Loss of self-control—Matters for jury—Case remitted for verdict of manslaughter to be entered or new trial—Crimes Act, 1900 (New South Wales), No. 40, s. 23.
Parker v. The Queen, P.C. [1964] A.C. 1369; [1964] 3 W.L.R. 70.

Libel and slander

Exemplary or punitive damages—Whether awardable—Whether limiting circumstances suggested in *Rookes* v. *Barnard* applicable. **Australian Consolidated Press Ltd. v. Uren,** P.C. [1969] 1 A.C. 590; [1967] 3 W.L.R. 1338.

Letter published in newspaper—Whether capable of defamatory meaning—Imputations on conduct of shire councillor—Ordinary and natural meaning of words to include implication or inference—Spheres of judge and jury.
Jones v. Skelton, P.C. [1963] 1 W.L.R. 1362.

Negligence

Licensor and licensee—Railway carrying on inherently dangerous activity—Express trains running through a level crossing lawfully and necessarily used by the local inhabitants—De facto accommodation crossing—Condition of crossing—Failure to provide a smooth and firm surface for the crossing—Failure to light adequately at night—Proper measure of duty of care—Negligence.
Comr. for Railways v. McDermott, P.C. [1967] 1 A.C. 169; [1966] 3 W.L.R. 267.

Oil spilled on harbour waters—Fire—Foreseeability of consequences test of liability—Remission of claim founded on nuisance.
Overseas Tankship (U.K.) Ltd. v. Morts Dock & Engineering Co. Ltd., The Wagon Mound, P.C. [1961] A.C. 388; [1961] 2 W.L.R. 126.

Whether justifiable to neglect real risk of small magnitude—Whether reasonable man would neglect risk—Whether negligence essential element in nuisance—Whether foreseeability essential element of liability in nuisance.
Overseas Tankship (U.K.) Ltd. v. Miller Steamship Co. Pty., P.C. [1967] 1 A.C. 617; [1966] 3 W.L.R. 498.

Nuisance. See Negligence.

Occupier's liability

Railway—Private level crossing—Collision between train and motor truck—Extent of occupier's duty to trespasser.
Comr. for Railways v. Quinlan, P.C. [1964] A.C. 1054; [1964] 2 W.L.R. 817.

Procedure

Action tried by judge without jury—Findings by judge—"Market prices"—No appeal to Supreme Court—Findings alterable on appeal to Privy Council.
Woolworths Ltd. v. Stirling Henry Ltd., P.C. [1969] 1 A.C. 113; [1968] 3 W.L.R. 364.

Regulations

Excavation work—Power under statute to make regulations "relating to the manner of carrying out building work, excavation work or compressed work," and "to safeguards and measures to be taken for securing the safety . . . of persons engaged in . . . excavation work"—Regulation prescribing "every drive and tunnel shall be securely protected and made safe for persons employed therein"—Whether extending scope or general operation of enactment—Validity—Scaffolding and Lifts Act, 1912–1960 (N.S.W.), s. 22 (1) (2) (*g*) (iv) (v)—Scaffolding and Lifts Regulations, reg. 98.
Utah Construction and Engineering Pty. Ltd. v. Pataky, P.C. [1966] A.C. 629; [1966] 2 W.L.R. 197.

Revenue

Death duty—Taxing statute—Constitutional validity—"Property deemed to be included in the estate of the deceased shall be the property . . . at . . . his death . . . subject to such trust"—Assets outside state of deceased's domicile passing under testamentary appointment—Whether forming part of deceased's estate for purposes of death duty—"Territorial connection"—Stamp Duties Act, 1920–1965 (New South Wales), s. 102.
Thompson v. Comr. of Stamp Duties, P.C. [1969] 1 A.C. 320; [1968] 3 W.L.R. 875.

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New South Wales—*continued.*

Sale of goods

Motor cars—Cars purchased by dealer made subject to "display agreement" with hire-purchase company—Payment by company of 90 per cent. of price paid by dealer for cars—Title to cars in company—Dealer remaining in possession for purposes of resale—Sale to third party without notice of company's title—Company's claim for return of cars—Third party's reliance on section 28 (1) of Sale of Goods Act—"Continues in possession" refers to continuity of physical possession regardless of alteration of legal title under which possession held—Section 28 (1) inapplicable where break in continuity of physical possession—Sale of Goods Act, 1923 (New South Wales) (No. 1 of 1923), s. 28 (1) (identical with section 25 (1) of the English Sale of Goods Act, 1893).
Pacific Motor Auctions Pty. Ltd. v. Motor Credits (Hire Finance) Ltd., P.C. [1965] A.C. 867; [1965] 2 W.L.R. 881.

State Act

Constitutional validity—Road traffic—Commercial goods vehicles—Mileage charges imposed by Act as contribution to the cost of road maintenance—Whether contravention of principle that inter-state trade "absolutely free"—Road Maintenance (Contribution) Act, 1958–65 (N.S.W.), ss. 3, 5, 6, 7 (1), 10 (1) (*d*)—Commonwealth of Australia Constitution Act, 1900, s. 92.
Freightlines & Construction Holding Ltd. v. State of New South Wales, P.C. [1968] A.C. 625; [1967] 3 W.L.R. 749.

Trade union

Union of employees—Whether entitled to alter rules to include "deemed employees"—"Trade union of employees"—Registration—Industrial Arbitration Act, 1940–1964 (N.S.W.), ss. 5, 8 (1), 88E—Industrial Arbitration (Amendment) Act, No. 25 of 1943—Industrial Arbitration (Amendment) Act, No. 29 of 1959—Trade Union Act, 1881–1959, s. 14 (7). **Green Cab Service Pty. Ltd. v. Whitfield,** P.C. [1966] 1 W.L.R. 179.

Valuation of land

Valuation for stamp duty purposes—Land with steel works erected thereon—Whether Valuer-General concerned only with valuations according to one or other of the statutory formulae—Whether entitled to value otherwise—Whether valuation according to market value of property—Primary object of Valuation Act—Duality of purpose—Valuation of Land Act (New South Wales), 1916–1959, ss. 5, 6, 7, 65, 70.
Broken Hill Pty. Co. Ltd. v. Valuer-General, P.C. [1970] A.C. 627; [1969] 3 W.L.R. 379.

Queensland

Revenue

Succession and administration duties—Real and personal property in Queensland of deceased testator—Widow a beneficiary—Death of widow before administration of testator's estate completed—Testator's estate vested in executors in full right—Widow not entitled to any beneficial interest at date of her death—Succession duty in respect of her interest in the testator's Queensland estate not exigible—No right in widow's administrator to administer the Queensland properties as part of her estate—Claim to administration duty unmaintainable—Succession and Probate Duties Acts, 1892 to 1955 (Queensland), ss. 4, 12, 55. **Comr. of Stamp Duties (Queensland) v. Livingston,** P.C. [1965] A.C. 694; [1964] 3 W.L.R. 963.

State Act

Validity—"Peace, welfare and good government"—Legislation giving Commissioner for Transport power to fix and recover licences and permit fees—Capacity of legislature preserved and control retained over commissioner—Whether sovereign power to levy taxes assigned, transferred or abrogated—Whether legislature's responsibilities renounced or abdicated in favour of a newly created legislative authority—Validity of impugned legislation—State Transport Facilities Act, 1946–59 (Queensland), No. 17 of 1946, Pt. IV—State Transport Act, 1960, No. 48 of 1960 (Queensland).
Cobb & Co. Ltd. v. Kropp, P.C. [1967] 1 A.C. 141; [1966] 3 W.L.R. 416.

————Transport licensing legislation—Legislation invalid by judicial decision—Subsequent Act validating legislation in truncated form—Retrospective validation—Repealed Act validated for period from date of enactment to repeal—State Transport Facilities Acts, 1946 to 1959 (Queensland) No. 17 of 1946, Pt. IV—State Transport Act, No. 48 of 1960 (Queensland)—Transport Laws Validation Act, No. 24 of 1962 (Queensland), ss. 3, 4, 5—Merchant Shipping Act, 1894 (Imperial), s. 736.
Western Transport Pty. Ltd. v. Kropp, P.C. [1965] A.C. 914; [1964] 3 W.L.R. 1082.

Revenue

Income tax

Avoidance of tax—Doctors' partnership dissolved—Replacement by limited company having doctors as directors—"Family" company formed for benefit of each doctor's family—Doctors' agreements to serve family company and main company—Fees paid to main company—Scheme void as against commissioner—Basis of assessment of taxable income—Whether commissioner entitled to proceed on basis that agreements and arrangements had not been made—Income Tax and Social Services Contribution Assessment Act, 1936–60, ss. 6, 17, 19, 260.
Peate v. Comr. of Taxation, P.C. [1967] 1 A.C. 308; [1966] 3 W.L.R. 246.

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Income tax—*continued.*

Avoidance of tax—Whether agreements implemented to avoid tax—Whether capable of explanation by reference to ordinary sensible business arrangement—Income Tax and Social Services Contribution Assessment Act, 1936–1960 (Commonwealth), s. 260.
Mobil Oil Australia Ltd. v. Comr. of Taxation of the Commonwealth of Australia, P.C. [1966] A.C. 275; [1965] 3 W.L.R. 629.

Capital or income expenditure—Payments by oil company to secure exclusive sales stations—Agreement (i)—Loan by oil company to retailer repayable with interest at fixed rate by retailer—Covenant not to dispose of interest in garage without first offering to oil company—Grant to oil company of sole and exclusive advertising rights—Oil company to pay to retailer each year sum of money equal to and to be credited against loan interest and repayments—Agreement (ii)—Annual sum payable to retailer in respect of each period of 12 months during which retailer remained in occupation and observed terms of agreement—Whether sum deductible by oil company—Income Tax and Social Services Contribution Assessment Act, 1936–1952 (Commonwealth), s 51.
Mobil Oil Australia Ltd. v. Comr. of Taxation of the Commonwealth of Australia, P.C. [1966] A.C. 275; [1965] 3 W.L.R. 629.

—" Solo site service station system "—Lump sum paid to retailer in return for tie for a period of years—Retailer to sell only approved brands of motor spirit—Oil company's ultimate object—Character of the advantage sought—Lasting qualities—Recurrence—Manner in which the advantage to be used, relied upon or enjoyed—Means adopted to obtain the advantage—Enduring benefit—Capital structure—" Once and for all " payments—Whether allowable deductions for tax purposes—Income Tax and Social Services Contribution Assessment Act, 1936–1952 (Commonwealth), s. 51.
B.P. Australia Ltd. v. Comr. of Taxation of the Commonwealth of Australia, P.C. [1966] A.C. 224; [1965] 3 W.L.R. 608.

Victoria

Workmen's compensation

Rights of dependants—Worker injured before but dying after amending legislation became operative—Whether dependants entitled to increased benefits under Amendment Act—Workers' Compensation Act, 1958, ss. 5, 9—Workers' Compensation (Amendment) Act, 1965, s. 5 (1)—Acts Interpretation Act, 1958, s. 7 (2).
Ogden Industries Pty. Ltd. v. Lucas, P.C. [1970] A.C. 113; [1969] 3 W.L.R. 75.

Silicosis—Disablement manifested after termination of employment—Due to nature of employment " at any time "—Employee entitled to compensation—Workers' Compensation Act, 1951, No. 5601 (as amended by Act No. 5676 of 1953), ss. 5 (1), 12 (1).
Sunshine Porcelain Potteries Pty. Ltd. v. Nash, P.C. [1961] A.C. 927; [1961] 3 W.L.R. 727.

Western Australia

Negligence

Fire—Escape of—Accidental fire by lightning—Occupier's failure to check—Occupier's duty of care towards neighbour—Scope of duty—Occupier's duty to remove or reduce hazard—Standard of care.
Goldman v. Hargrave, P.C. [1967] 1 A.C. 645; [1966] 3 W.L.R. 513.

BAHAMA ISLANDS

Crime

Homicide

Diminished responsibility—Direction to jury—Homicide (Special Defences) Act, 1959, s. 2.
Rose v. The Queen, P.C. [1961] A.C. 496; [1961] 2 W.L.R. 506.

Homicide

Extenuation by extreme provocation

Loss of power of self-control—No direct evidence of loss of self-control—Loss of self-control possible inference from evidence—Whether duty of judge to leave issue of extenuation to jury—Penal Code (Bahama Islands), ss. 336, 345.
Rolle v. The Queen, P.C. [1965] 1 W.L.R. 1341.

Limitation of action

Land

Co-tenants—Original possession by two of a number of co-tenants not wrongful—Possession continued over 20 years—Whether possession for their own benefit—Whether time had run against other co-tenants barring their claim—Real Property Limitation (No. 1) Act, 1833 (c. 124) of the Bahamas—Real Property Limitation (1874) Act (c. 216) of the Bahamas. **Paradise Beach & Transportation Co. Ltd. v. Price-Robinson,** P.C. [1968] A.C. 1072; [1968] 2 W.L.R. 873.

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Trespass

Land, to

Owners' documentary title and acts of constructive possession—Whether possession abandoned—Owners' right to maintain action for trespass without actual entry and actual possession—Real Property Limitation Act, 1874 (Laws of the Bahama Islands, 1965 Rev., c. 150), s. 1.
Ocean Estates Ltd. v. Pinder, P.C. [1969] 2 A.C. 19; [1969] 2 W.L.R. 1359.

Vendor and purchaser

Defective title

Vendor's contractual right to rescind contract—Whether rightly exercised.
Selkirk v. Romar Investments Ltd., P.C. [1963] 1 W.L.R. 1415.

BAILMENT. (*See also* CONTRACT.)

Bailee's duty

Duty to owner of goods

No contract—Goods stolen in transit. **Lee Cooper Ltd. v. C. H. Jeakins & Sons Ltd.,** Marshall J. [1967] 2 Q.B. 1; [1965] 3 W.L.R. 753.

Warehousemen

Loss of whisky by theft—No alarm system installed—Whisky left visible to passers-by—Whether warehousemen were negligent—Failure by security guard to perform full number of patrols—Liability of security guard's employers—Whether negligence of warehouseman and/or security guard caused or contributed to loss—Applicability of warehousemen's or customer's conditions.
British Road Services Ltd. v. Arthur V. Crutchley & Co. Ltd., C.A. [1968] 1 Lloyd's Rep 271; [1968] 1 All E.R. 811.

Bailee's rights

Right to part with possession

Bailment for use—Motor van—Van delivered by bailee to artificer for repair—Whether delivery reasonably incidental to use of van—Whether artificer's lien effective against bailer. **Tappenden v. Artus,** C.A. [1964] 2 Q.B. 185; [1963] 3 W.L.R. 685.

Burden of proof

Carriage of goods

Loss in transit—Theft of goods—Carriers' lorry "hijacked"—Driver's previous convictions for theft unknown to carriers—Onus of proof on carriers to show that they had used all reasonable care—Whether carriers liable at common law—Whether conditions in customers' confirmation note or carriers' invoice applicable.
Transmotors Ltd. v. Robertson, Buckley & Co. Ltd., Mocatta J. [1970] 1 Lloyd's Rep. 224.

Loss of brass ingots—Whether loss occurred without negligence by carrier—Burden of proof. **A. Cohen & Co. Ltd. v. Plaistow Transport Ltd.,** MacKenna J. [1968] 2 Lloyd's Rep. 587.

Loss of chattel

Owners let aircraft to bailee—Disappearance of chattel (aircraft) and bailee—No evidence of negligence—Whether onus of proof on bailee's executor or bailor.
National Trust Co. Ltd. v. Wong Aviation Ltd., Canada Supreme Ct. [1969] 2 Lloyd's Rep. 340.

Carriage by land

Burden of proof

Hijacked lorry—Driver with previous conviction for theft unknown to employer carriers—References described driver as "trustworthy"—Driver's evidence as to hijacking uncorroborated—Failure to immobilise lorry—Liability of carriers—Whether haulage subject to Road Haulage Association Conditions of Carriage, 1961, cl. 5.
Richmond Metal Co. Ltd. v. J. Coales & Son Ltd., Mocatta J. [1970] 1 Lloyd's Rep. 423.

Common carrier

Loss in transit—Theft of goods from carriers' premises—Liability of carriers—Whether carriers were common carriers and/or negligent—Alleged express term that loaded lorry would be left at plaintiffs' premises overnight—Road Haulage Association Ltd.'s Conditions of Carriage. **E. J. Webster Ltd. v. F. Dickson Transport Ltd.,** Megaw J. [1969] 1 Lloyd's Rep. 89.

Fundamental obligations

Limitation of liability "in respect of loss or damage to goods"—Goods stolen by carrier's driver—Driver employed without carrier obtaining references—Whether limitation of liability clause applicable—Duty of carrier.
John Carter (Fine Worsteds) Ltd. v. Hanson Haulage (Leeds) Ltd., C.A. [1965] 2 Q.B. 495; [1965] 2 W.L.R. 553.

BAILMENT—*continued.*

Damages for bailee's negligence

Bad berth

Sinking of moored scow—Claim against bailee/berth owner—Cause of sinking—Liability of berth owner. **Vancouver Tug Boat Co. Ltd. v. Sooke Forest Products Ltd.**, Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 634.

Res ipsa loquitur

Hired motor van damaged in accident—Whether denial of negligence sufficient to rebut inference. **Ludgate v. Lovett,** C.A. [1969] 1 W.L.R. 1016.

Damages for breach of duty by bailee. *See* CONVERSION.

Finder

Whether a bailee

Larceny by bailee. **Thompson v. Nixon,** Divl.Ct. [1966] 1 Q.B. 103; [1965] 3 W.L.R. 501.

Gratuitous bailment

Deposit

Duty of bailee—Loss of suitcase deposited—No affirmative evidence of negligence—Whether gross negligence required—Burden of proof.
Houghland v. R. R. Low (Luxury Coaches) Ltd., C.A. [1962] 1 Q.B. 694; [1962] 2 W.L.R. 1615.

Lien

Particular lien

Agistment of herd of pigs—Agreement by farmers to "care for and arrange for servicing and farrowing" of pigs—Boars provided by owners of pigs—Exercise of care and skill by farmer—Farmer's claim for cost of feeding and caring for herd—Whether supervision of natural increase improvement of herd—Whether farmer a particular lien on pigs.
In re **Southern Livestock Producers Ltd.,** Pennycuick J. [1964] 1 W.L.R. 24.

Possession

Possession of bailor

Goods stored subject to lien—Whether bailor in "possession"—Merchandise Marks Act, 1887, s. 2. **Towers & Co. Ltd. v. Gray,** Divl.Ct. [1961] 2 Q.B. 351; [1961] 2 W.L.R. 533.

Receiving order

Appeal from

Petition based on alleged liquidated debt—Debt based on default judgment—Debtor's appeal against judgment—Whether jurisdiction to make receiving order pending appeal—Receiving order made with stay—Appeal against default judgment allowed—Application to rescind receiving order dismissed—Subsequent application—Debtor insolvent—Appeal out of time against receiving order—Whether other debts should be substituted in petition—Whether receiving order could stand if appeal in time—Whether proper to give leave to appeal out of time—Bankruptcy Act, 1914, ss. 4 (1) (*c*), 29, 108 (1) (2), 111.
In re **Noble (A Bankrupt),** C.A. [1965] Ch. 129; [1964] 3 W.L.R. 206.

Sub-bailment

Duty of sub-bailee to owner

Whether same duty as bailee—Common law duty of bailee—Duty not to convert—Theft of goods by servant of sub-bailee—Whether sub-bailee liable to owner—Whether owner bound by exempting conditions of sub-bailment.
Morris v. C. W. Martin & Sons Ltd., C.A. [1966] 1 Q.B. 715; [1965] 3 W.L.R. 276.

Stevedores

Delivering goods—Whether bailees.
Midland Silicones Ltd. v. Scruttons Ltd., H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Theft by employee

Duty to owner of goods

Whether duty of bailee different from that of bailee in carriage by land—Master and servant—Employment of servant of another—Liability for servant's theft—Shipping—Theft of part of ship by stevedore—Damage to cargo—Whether stevedore acting in course of employment—Liability of shipowner.
Leesh River Tea Co. Ltd. v. British India S.N. Co. Ltd., C.A. [1967] 2 Q.B. 250; [1966] 3 W.L.R. 642.

Exempting conditions

Liability of bailee—Car parking garage.
Mendelssohn v. Normand Ltd., C.A. [1970] 1 Q.B. 177; [1969] 3 W.L.R. 139.

Notice to bailees

Allegations of theft of goods in transit—Notice to be given to defendants in pleadings or by letter to avoid unfairness. **Transmotors Ltd. v. Robertson, Buckley & Co. Ltd.,** Mocatta J. [1970] 1 Lloyd's Rep. 224.

Unexplained loss of goods

Burden of proof

Whether onus on bailee to prove no deviation.
Hunt & Winterbotham (West of England) Ltd. v. B.R.S. (Parcels) Ltd., C.A. [1962] 1 Q.B. 617; [1962] 2 W.L.R. 172.

BANKING. (*See also* BILL OF EXCHANGE.)

Bank as agent of customer

Receipt of money

Duty to receive money on behalf of customer—Money received constituting rent in respect of house owned by customer—Nuisance—Abatement notice served on bank—Whether bank agent of customer—Whether bank "owner" of premises—Public Health Act, 1936. ss. 93, 94, 343. **Midland Bank Ltd. v. Conway Corpn.,** Divl.Ct. [1965] 1 W.L.R. 1165.

Banker's lien

Banker's right to "set off" accounts, nature of

Whether banker's right of "set off" or "combination" or "consolidation" of accounts analogous to right of lien—Effect of agreement not to enforce lien.
Halesowen Presswork & Assemblies Ltd. v. Westminster Bank Ltd.,
Roskill J. [1970] 2 W.L.R. 754.
C.A. [1970] 3 W.L.R. 625.

Characteristics

Hire-purchase finance

Whether moneylending or banking—Reputation as banker—Whether "bona fide carrying on the business of banking"—Money-Lenders Act, 1900, s. 6 (*d*).
United Dominions Trust Ltd. v. Kirkwood, C.A. [1966] 2 Q.B. 431; [1966] 2 W.L.R. 1083.

Company's account

Moneys in credit

Misapplication by directors—Within banks' knowledge—Whether banks liable as trustees or constructive trustees of company's moneys.
Selangor United Rubber Estates Ltd. v. Cradock (No. 3),
Ungoed-Thomas J. [1968] 1 W.L.R. 1555.

Current account

Chose in action, as

Whether equivalent of cash—Transfer of cash by statute from one authority to another—Electricity Act, 1947. **Central Electricity Board v. Halifax Corpn.,**
H.L.(E.) [1963] A.C. 785; [1962] 3 W.L.R. 1313.

Contract

Crossed cheque with magnetic signs for use by computer intended by banker to be applied to particular account at particular branch—Customer's pen and ink alterations to different branch and account—Payment countermanded by communication addressed to that different branch—Whether duty on banker not to debit current account—Whether printed words on cheque book constitute adequate notice of proposed variation in banking contract. **Burnett v. Westminster Bank Ltd.,** Mocatta J. [1966] 1 Q.B. 742; [1965] 3 W.L.R. 863.

Current and loan accounts

Combination of

Three accounts of company—Overdrawn account frozen—Current and wages account—Current account credit in excess of wages account debit—Periodic transfer of wages account debit to current account—Whether accounts interdependent—Liquidation of company—Whether debit on wages account money advanced to pay wages—Whether bank entitled to preferential claim—Companies Act, 1948, s. 319 (4).
In re **E. J. Morel (1934) Ltd.,** Buckley J. [1962] Ch. 21; [1961] 3 W.L.R. 57.

Interest

Loan repayable on demand—Mortgage security—Whether debtor entitled to deduct tax on interest due—Whether "yearly interest of money"—Whether "short loan"—Debit of current account—Income Tax Act, 1952, s. 169.
Corinthian Securities Ltd. v. Cato, C.A. [1970] 1 Q.B. 377; [1969] 3 W.L.R. 693.

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Periodic transfer of wages account debit to current account debit—Liquidation of company—Whether accounts to be treated as single account—Whether debit on current account money advanced to pay wages—Whether bank entitled to preferential payment—Whether rule in *Clayton's* case applicable to current account—Companies Act, 1948, s. 319 (4).
In re **James R. Rutherford & Sons Ltd.,** Pennycuick J. [1964] 1 W.L.R. 1211.

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Duty of care to customer

Fraud by customer's employee

Fictitious cheques—Falsification of paying in books—Whether cheques "paid" or "collected" by bank—Contra entries only in customer's account—Whether bank put on inquiry. **Universal Guarantee Pty. Ltd. v. National Bank of Australasia Ltd.,**
P.C. [1965] 1 W.L.R. 691.

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Account opened by fraudulent person in payee's name—Cheque paid into account—Proceeds obtained by bank on behalf of customer before reference taken up—Proceeds withdrawn by customer after reference given—Whether bank negligent—Duty of care to true owner—When arises—Whether on collection of proceeds of cheque by bank or when proceeds paid out to customer—Nature of duty—Whether satisfied by current practice of careful bankers—Extent of inquiries to be made of customer when account opened—Whether bank entitled to take into account customer's interests and own business interests—Whether one first-class reference sufficient—Cheques Act, 1957, s. 4 (1). **Marfani & Co. Ltd. v. Midland Bank Ltd.,** Nield J. and C.A. [1968] 1 W.L.R. 956.

Tax liability

Account opened in Guernsey by Danish national domiciled in Denmark resident in England—Foreign dividends liable to United Kingdom income tax only if proceeds received in United Kingdom—Dividend warrant in Malaysian dollars—No facilities for negotiating foreign instruments in Guernsey—Warrant sent to England for realisation without consulting customer—United Kingdom tax deducted—Whether bank negligent.
Schioler v. Westminster Bank Ltd., Mocatta J. [1970] 2 Q.B. 719; [1970] 3 W.L.R. 68.

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Presumption of advancement—Whether balance a "gift made in my lifetime."
In re **Figgis, decd.,** Megarry J. [1969] 1 Ch. 123; [1968] 2 W.L.R. 1173.

Right of one spouse after death of other—Payments into account by both spouses—Account not intended for specific purpose—Withdrawals by husband to purchase investments in own name and in wife's name—Death of husband—Whether wife interested in investments in husband's name—Wife's interest in investments in own name—Wife's interest in credit balance.
In re **Bishop, decd.,** Stamp J. [1965] Ch. 450; [1965] 2 W.L.R. 188.

Letter of credit

Contract

Irrevocable credit in favour of principal—Principal's agents engaging to provide bank with funds to meet disbursements for each draft accepted by the bank—"In consideration of your opening this credit we engage to provide you with funds to meet disbursements"—Obligation of agents to provide funds—Whether term implied for bank to honour accepted draft on maturity—"Disbursements"—Notice to agents and principal of appointment of receiver and manager—Whether notice of intention to dishonour accepted draft—Bank ceasing to honour acceptances—Whether agents released from obligation to provide bank with funds to honour draft accepted—Principal returning draft to agents—Agents paying proceeds of sale to principal—Whether agents in breach of trust to bank—Whether principal entitled to cancel contract of pledge and claim purchase money from agents. **Sale Continuation Ltd. v. Austin Taylor & Co. Ltd.,** Paull J. [1968] 2 Q.B. 849; [1967] 3 W.L.R. 1427.

Joint issue

Whether irrevocable credit was issued to beneficiaries jointly—Expiration date of letter given by confirming bank—Whether liability of issuing bank ceased on same date—Whether, under rules of equity, it should be presumed that joint beneficiary under letter of credit had concurred in payment out to beneficiary entitled.
Elder Dempster Lines Ltd. v. Ionic Shipping Agency Inc., Donaldson J. [1968] 1 Lloyd's Rep. 529.

Multiple accounts

Company's share dividend account

Payment in of sum borrowed specifically to pay dividend—Bank's knowledge of condition—Company in liquidation before dividend paid—Whether sum held on trust for lender.
Quistclose Investments Ltd. v. Rolls Razor Ltd. (In Liquidation),
Plowman J. [1967] Ch. 910; [1967] 2 W.L.R. 1064.
C.A. [1968] Ch. 540; [1968] 2 W.L.R. 478.
H.L.(E.) [1970] A.C. 567; [1968] 3 W.L.R. 1097.

Negligence towards customer

Duty of care

Misapplication of company's credit in bank account by directors—Banks knew or ought to have known—Whether, when in doubt, banks should have made inquiries.
Selangor United Rubber Estates Ltd. v. Cradock (No. 3),
Ungoed-Thomas J. [1968] 1 W.L.R. 1555.

Overdraft

Alleged wrongful refusal to pay cheques

Whether agreement to honour cheques was conditional on overdraft not being exceeded.
Jayson v. Midland Bank Ltd., C.A. [1968] 1 Lloyd's Rep. 409.

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Overdraft—*continued.*

Cheques obtained by fraud

Payment into overdraft account—Cheques countermanded by victims of fraud—Bank claiming cheques in reduction of overdraft—Bank's lien—Whether bank taking cheques as agent for collection or for value and as holders in due course—Bills of Exchange Act, 1882, ss. 27 (1) (3), 29, 30 (2)—Cheques Act, 1957, s. 2.
Barclays Bank Ltd. v. Astley Industrial Trust Ltd.,
Milmo J. [1970] 2 Q.B. 527; [1970] 2 W.L.R. 876.

Reference by bankers

Careless misrepresentation

References not justified—Plaintiffs' financial loss—Whether a special relationship creating duty of care—Whether action against bankers maintainable.
Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.,
C.A. [1962] 1 Q.B. 396; [1961] 3 W.L.R. 1225.
H.L.(E.) [1964] A.C. 465; [1963] 3 W.L.R. 101.

Separate accounts

Right to set off or combine

When excluded—Agreement between banker and customer to keep loan and trading accounts separate for fixed period in absence of material change of circumstances—Material change by notice of meeting to consider winding up customer company—No notice to terminate agreement given by bank before customer going into liquidation—Agreement not terminated by liquidation—Bank not entitled to combine accounts or set off where "dealings" at commencement of winding up not "mutual"—Bankruptcy Act, 1914, s. 31. **Halesowen Presswork & Assemblies Ltd. v. Westminster Bank Ltd.,**
C.A. [1970] 3 W.L.R. 625.

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BANKRUPTCY

Act of

Execution

Seizure and holding of goods by sheriff for 21 days—Whether permission to debtor to sell retail goods consistent with holding by sheriff—Bankruptcy Act, 1914, s. 1 (1) (*c*).
In re **Dalton (A Bankrupt),** Ch.D. [1963] Ch. 336; [1962] 3 W.L.R. 140.

Waiver by creditors

Assent to assignment of assets for benefit of creditors induced by misrepresentation in debtor's statement of affairs—Partnership property ostensibly in sole ownership of debtor—No action by judgment creditor when facts disclosed—Sale of part of assets with concurrence of partner—Subsequent refusal of debtors to co-operate in realisation of other assets—Bankruptcy petitions founded on original act of bankruptcy and judgment debt—Whether creditor debarred from retracting assent—Effect of intervening acts of third party. *In re* **L. G. Clarke,** *Ex parte* **The Debtor v. S. Aston & Son Ltd.,**
Ch.D. [1967] Ch. 1121; [1966] 3 W.L.R. 1101.

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Annulment

Adjudication on debtor's petition

Whether debts unpaid—Judgment debt payable by instalments—Debtor able to pay instalments—Power to annul adjudication—Bankruptcy Act, 1914, ss. 5, 6, 29.
In re **A Debtor,** *Ex parte* **The Debtor v. Allen,** Ch.D. [1967] Ch. 590;
[1967] 2 W.L.R. 1528.

Payment of all proved debts

Debt not proved—Whether right of creditor to sue debtor extinguished by annulment—"Debts"—Bankruptcy Act, 1914, s. 29 (1) (2).
More v. More, Cross J. [1962] Ch. 424; [1962] 2 W.L.R. 215.

Appeal from Bankruptcy Court

Parties

Order directing Minister of Education to pay sum due to teacher to trustee—Whether Minister a "person aggrieved"—Whether locus standi to appeal—Bankruptcy Act, 1914, s. 108 (2). *In re* **Duckett,** C.A. [1964] Ch. 398; [1964] 2 W.L.R. 106.

Bankruptcy notice

Application to set aside

Three-day affidavit filed by debtor setting out cross-demand in excess of judgment debt—Affidavit evidence put in issue by judgment creditor—Duty of registrar to receive further evidence—Bankruptcy Rules, 1952, rr. 137, 138, 139—Bankruptcy Act, 1914, s. 1 (1) (*g*).
In re **A Debtor (No. 991 of 1962),** C.A. [1963] 1 W.L.R. 51.

Business in England

Trading debt

Income tax—Debtor carrying on business in England—Debt to Crown in respect of unpaid income tax—Departure of debtor to Jersey and residence there—Presentation of petition—Whether within one year debtor "has carried on business in England"—Bankruptcy Act, 1914, s. 4 (1) (*d*).
In re **Bird,** *Ex parte* **The Debtor v. Inland Revenue Comrs.,** C.A. [1962] 1 W.L.R. 686.

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Costs

Taxation

Supreme Court Taxing Office—Lodging of documents.
Practice Direction (Bankruptcy Taxation), Supreme Ct. Taxing Office [1964] 1 W.L.R. 124.

Debt

Ability to pay

Judgment debt payable by instalments—Whether "debt" presently payable total sum or instalments accrued due—Bankruptcy Act, 1914, ss. 5, 6, 29.
In re **A Debtor,** *Ex parte* **The Debtor v. Allen,** Ch.D. [1967] Ch. 590; [1967] 2 W.L.R. 1528.

Provable

Maintenance, arrears of—Liability under maintenance order—Whether a "debt provable in bankruptcy"—Bankruptcy Act, 1914, s. 7 (1).
James v. James, Divl.Ct. [1964] P. 303; [1963] 3 W.L.R. 331.

Deceased bankrupt

Discharge

Inquiry as to deceased debtor's assets and income—Executors of discharged bankrupt, examination of—Whether persons to be deemed capable of giving information as to debtor's assets—Whether jurisdiction to order examination as debtor had been discharged—Bankruptcy Act, 1914, s. 25.
In re **A Debtor,** *Ex parte* **Trustee of the Property of the Bankrupt v. Clegg,** Ch.D. [1968] 1 W.L.R. 788.

Discharge

Power of court

Misconduct of bankrupt—Suspension of discharge subject to condition of consent to judgment—Validity—Bankruptcy Act, 1914, s. 26 (2) (as amended by Bankruptcy (Amendment) Act, 1926, s. 26 (8)).
In re **Mills (A Bankrupt),** Ch.D. [1967] 1 W.L.R. 580.

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Debt in futuro

Judgment debt payable by instalments—Bankruptcy Act, 1914, ss. 5, 6, 29.
In re **A Debtor,** *Ex parte* **The Debtor v. Allen,** Ch.D. [1967] Ch. 590; [1967] 2 W.L.R. 1528.

Unenforceable debt

Guarantee of rent in underlease—Judgment against infant for unenforceable debt—Receiving order and order of adjudication in bankruptcy made against infant debtor—No other legally enforceable debts—Discretion in court to set aside orders—Bankruptcy Act, 1914, s. 29 (1). *In re* **Davenport,** C.A. [1963] 1 W.L.R. 817.

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Action in Queen's Bench Division

Action against Official Receiver and trustee in bankruptcy after date of receiving order and without leave of court in bankruptcy—Proceedings stayed on application of Official Receiver—No bankruptcy point involved—Whether court in bankruptcy should determine matter in dispute—Bankruptcy Act, 1914, ss. 61, 105.
In re **Hutton (A Bankrupt),** Goff J. [1969] 2 Ch. 201; [1969] 2 W.L.R. 661.

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Share dealings

Vulnerability to insolvency—Deliberate action by debtor—Whether entitled to a certificate of misfortune—Bankruptcy Act, 1914, s. 26 (4).
In re **A Debtor (No. 612 of 1960),** C.A. [1964] 1 W.L.R. 807.

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Whether payor discharged

Whether payments made by solicitor to creditors at debtor's direction payments made "to" bankrupt and "bona fide"—Whether payments good discharge to solicitor—"Assignment by . . . bankrupt for valuable consideration"—Bankruptcy Act, 1914, ss. 45, 46. *In re* **Dalton (A Bankrupt),** Ch.D. [1963] Ch. 336; [1962] 3 W.L.R. 140.

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Substitution of different act of bankruptcy—Bankruptcy notice not expiring until after presentation of petition—Application to restore reference to original act of bankruptcy—More than three months since original act—Whether amendment to introduce act of bankruptcy out of time permissible in circumstances—Bankruptcy Act, 1914, s. 109 (3).
In re **A Debtor (No. 31 of 1969),** *Ex parte* **The Debtor v. Triggs Turner & Co.,** D.C. [1970] 1 All E.R. 920.

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Joinder of surety

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In re **Idenden, A Bankrupt,** *Ex parte* **Trustee of the Property of the Bankrupt v. Bateman & Co. Ltd. (Practice Note),** Stamp J. [1970] 1 W.L.R. 1015.

Property passing to trustee

Banker's lien for overdrafts

Cheque received for collection from customer with overdrafts—Receiving order against customer day proceeds of cheque received—When lien attached—Whether a "contract, dealing, or transaction . . . for valuable consideration"—"Valuable consideration"—Bankruptcy Act, 1914, s. 45.
In re **Keever (A Bankrupt),** *Ex parte* **Trustee of the Property of the Bankrupt v. Midland Bank Ltd.,** Ungoed-Thomas J. [1967] Ch. 182; [1966] 3 W.L.R. 779.

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Joint tenants

Husband and wife joint tenants of matrimonial home—Bankruptcy of husband—Interest of wife—Whether binding on trustee in bankruptcy—Power of court to order sale—Law of Property Act, 1925, s. 30. *In re* **Solomon, A Bankrupt,** *Ex parte* **Trustee of the Property of the Bankrupt v. Solomon,** Goff J. [1967] Ch. 573; [1967] 2 W.L.R. 172.

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In re **Cohen, A Bankrupt,** C.A. [1961] Ch. 246; [1961] 2 W.L.R. 237.

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Petition based on alleged liquidated debt—Debt based on default judgment—Debtor's appeal against judgment—Whether jurisdiction to make receiving order pending appeal—Receiving order made with stay—Appeal against default judgment allowed—Application to rescind receiving order dismissed—Subsequent application—Debtor insolvent—Appeal out of time against receiving order—Whether other debts should be substituted in petition—Whether receiving order could stand if appeal in time—Whether proper to give leave to appeal out of time—Bankruptcy Act, 1914, ss. 4 (1) (*c*), 29, 108 (1) (2), 111.
In re **Noble (A Bankrupt),** C.A. [1965] Ch. 129; [1964] 3 W.L.R. 206.

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Alleged non-service of petition—Mode of trial.
In re **D. B. Brace,** *Ex parte* **The Debtor v. H. Gabriel,** C.A. [1966] 1 W.L.R. 595.

Scheme of arrangement

"Reasonable security" for creditors

Amount required to pay creditors 5s. in pound—Proceeds of sale of house—Scheme accepted by creditors—Approval refused by court—Appeal—Reasonable probability of paying 5s. in pound in near future—Bankruptcy Act, 1914, s. 16 (10).
In re **Murray (A Debtor),** D.C. [1969] 1 W.L.R. 246.

Set off

Mutual dealings

Salesman for company remunerated on commission basis—Company retaining part of commission against possible default—Retained moneys repayable by instalments on termination of agreement—Insolvency of company—Moneys for goods sold and goods for sale and use in possession of salesman at date of insolvency—Whether salesman entitled to set off moneys against moneys owed to him by company in liquidation—Whether entitled to set off value of goods for sale and use—Agreement expressly excluding general lien in salesman—Whether salesman a factor—Whether right to statutory set-off on insolvency excluded by agreement—Bankruptcy Act, 1914, s. 31.
Rolls Razor Ltd. v. Cox, C.A. [1967] 1 Q.B. 552; [1967] 2 W.L.R. 241.

Two current accounts with bank—Preferential debt to bank on one account—Set-off of other—Wages—Bankruptcy Act, 1914, s. 31—Companies Act, 1948, s. 317.
In re **E. J. Morel (1934) Ltd.,** Buckley J. [1962] Ch. 21; [1961] 3 W.L.R. 57.

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Void settlement

Matrimonial home

Voluntary settlement in favour of settlor's wife—Bankruptcy of settlor—House in wife's name and wife party to legal charge—Allegation that deposit and purchase money paid by wife—Whether conveyance a voluntary settlement—Whether void as against trustee in bankruptcy—Bankruptcy Act, 1914, s. 42 (1).

In re **A Debtor,** *Ex parte* **The Official Receiver v. Morrison,** Stamp J. [1965] 1 W.L.R. 1498.

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BARRISTER

Authority to bind client

Admission at hearing

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H. Clark (Doncaster) Ltd. v. Wilkinson, C.A. [1965] Ch. 694; [1965] 2 W.L.R. 751.

General authority in litigation

Express authority to settle claims against two out of three defendants—No intention or authority to settle with third defendant.

Gardiner v. Moore, Thesiger J. [1969] 1 Q.B. 55; [1966] 3 W.L.R. 786.

Client

Duty to accept

Whether liable to client in negligence.

Rondel v. Worsley, Lawton J. [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300.
C.A. [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950.
H.L.(E.) [1969] 1 A.C. 191; [1967] 3 W.L.R. 1666.

Conduct in court

Crime

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Reg. v. Howes, C.C.A. [1964] 2 Q.B. 459; [1964] 1 W.L.R. 576.

Practice Direction (Dock Brief), General Council of the Bar [1964] 1 W.L.R. 857.

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Unpleaded possible defence of illegality of contract—Duty of counsel.

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Reg. v. Southgate (Practice Note), C.C.A. [1963] 1 W.L.R 809.

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In re **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement,** R.P.Ct. (E. & W.) [1966] 1 W.L.R. 1137.

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Reg. v. B.; Reg. v. H., C.C.A. [1966] 1 W.L.R. 1612.

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In re **S. (A Barrister),** Judges as Visitors [1970] 1 Q.B. 160; [1969] 2 W.L.R. 708.

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Attorney-General of the Gambia v. N'Jie, P.C. [1961] A.C. 617; [1961] 2 W.L.R. 845.

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Duty to court

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Nature of

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Rondel v. Worsley, Lawton J. [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300.
C.A. [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950.
H.L.(E.) [1969] 1 A.C. 191; [1967] 3 W.L.R. 1666.

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Criminal matter—Whether barrister should appear as counsel.
Ex parte **A Barrister (Practice Note),** Divl.Ct. [1961] 1 W.L.R. 257.

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Leading counsel

Taxation of brief fee on party and party basis—Whether 500 guineas too much—Fee of opposing counsel—Fee allowed on appeal to House of Lords—Relevance.
Simpsons Motor Sales (London) Ltd. v. Hendon Corpn. (No. 2), Pennycuick J. [1965] 1 W.L.R. 112.

Trustee, briefed by

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In re **Whitley, decd.,** Plowman J. [1962] 1 W.L.R. 923.

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Whether minister of justice—Whether action for negligence will lie at suit of client—Basis of immunity. **Rondel v. Worsley,** Lawton J. [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300.
C.A. [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950.
H.L.(E.) [1969] 1 A.C. 191; [1967] 3 W.L.R. 1666.

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Assistance to court—Insufficient evidence—Duty of counsel—Resistance to submission of no case—Whether liability of lay clients affected.
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House of Lords

Wigs, full-bottomed—When to be worn.
Practice Direction (House of Lords: Wigs), General Council of the Bar [1965] 1 W.L.R. 727.

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Counsel's right to choose what witnesses to call and in what order.
Briscoe v. Briscoe, Divl.Ct. [1968] P. 501; [1966] 2 W.L.R. 205.

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Duty to court

Duty not to give court privileged information—Crime—Legal aid.
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Young offender

Sentence of imprisonment—Whether appropriate—Excessive—Compliance with statutory requirements—Judicial discretion, exercise of—Young Offenders Act, 1950, Statute Law of Bermuda, Rev. ed. (1953), s. 6 (2).
Hardtmann v. The Queen, P.C. [1963] A.C. 746; [1963] 2 W.L.R. 1023.

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Collapse of crane—Res ipsa loquitur—Burden of proof of no negligence on defendant.
Swan v. Salisbury Construction Co. Ltd., P.C. [1966] 1 W.L.R. 204.

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BILL OF EXCHANGE

Cheque

Conversion

Cheque form—" Pay cash or order "—Whether " cheque "—Whether " document issued by a customer "—Fraud by director of company—Crossed cheque signed and indorsed by director with usual signature—Cheque stamped " for and on behalf of " company—No comparison of signature and indorsement—Payment into director's personal account—Whether bank negligent—Lack of supervision by company—Whether estoppel—Liability of collecting bank—Bills of Exchange Act, 1882, ss. 3, 82—Revenue Act, 1883, s. 17—Cheques Act, 1957, ss. 4 (2) (*a*) (*b*), 5.
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Effect of crossing. **Universal Guarantee Pty. Ltd. v. National Bank of Australasia Ltd.,**
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Form

Cheque with magnetic signs for use by computer intended by banker to be applied to particular account at particular branch—Customer's pen and ink alterations to different account and branch—Payment countermanded by communication addressed to that different branch—Whether duty on banker not to pay at branch for which cheque originally intended—Whether printed words on cheque book constitute adequate notice of proposed variation in banking contract. **Burnett v. Westminster Bank Ltd.,**
Mocatta J. [1966] 1 Q.B. 742; [1965] 3 W.L.R. 863.

" Pay cash or order "—Whether bill of exchange.
Orbit Mining and Trading Co. Ltd. v. Westminster Bank Ltd.,
MacKenna J. and C.A. [1963] 1 Q.B. 794; [1962] 3 W.L.R. 1256.

Holder in due course

Customer allowed to draw against uncleared cheques—Unindorsed cheques paid by customer into current account—Cheques not indorsed—Dishonoured when presented by collecting bank—Whether collecting bank " holder " in due course—" Indorsee "—" Bearer "—Bills of Exchange Act, 1882, ss. 2, 8 (3)—Cheques Act, 1957, s. 2.
Midland Bank Ltd. v. R. V. Harris Ltd., Megaw J. [1963] 1 W.L.R. 1021.

Customer paying cheque into current account—Account overdrawn—Whether customer's bank a holder in due course—Bills of Exchange Act, 1882, s. 29 (1).
In re **Keever (A Bankrupt),** *Ex parte* **Trustee of the Property of the Bankrupt v. Midland Bank Ltd.,** Ungoed-Thomas J. [1967] Ch. 182; [1966] 3 W.L.R. 779.

Overdraft—Customer allowed to draw against uncleared cheques—Cheques obtained by fraud—Cheques countermanded—Whether bank gave value for cheques—Whether bank holder in due course—Bills of Exchange Act, 1882, ss. 27 (1) (3), 29, 30 (2)—Cheques Act, 1957, s. 2. **Barclays Bank Ltd. v. Astley Industrial Trust Ltd.,**
Milmo J. [1970] 2 Q.B. 527; [1970] 2 W.L.R. 876.

Unindorsed cheque paid by customer into company's account—Whether cheque delivered " for collection "—Permission to draw against uncleared effects—Whether bank gave value for cheque—Effect of paying-in slip—Cheque returned to customer to sue—Subsequent action by bank—Whether collecting bank " holder " in due course—Need for indorsement—Cheques Act, 1957, s. 2.
Westminster Bank Ltd. v. Zang, Roskill J. [1966] A.C. 182; [1964] 3 W.L.R. 1105.
C.A. [1966] A.C. 182; [1965] 2 W.L.R. 824.
H.L.(E.) [1966] A.C. 182; [1966] 2 W.L.R. 110.

Value for

Cheque drawn by defendant in plaintiff's favour—No value passing directly between plaintiff and defendant—Whether plaintiff holder for value—Bills of Exchange Act, 1882, s. 27 (2). **Diamond v. Graham,** C.A. [1968] 1 W.L.R. 1061.

Indorsement

Indorsement by acceptor

Subsequent indorsement by drawer—Drawer's indorsement placed below signature of acceptor—Whether complete bill—Whether acceptor liable—Bills of Exchange Act, 1882, ss. 29, 56. **Yeoman Credit Ltd. v. Gregory,** Megaw J. [1963] 1 W.L.R. 343.

Indorsement by way of guarantee

Subsequent indorsement by drawer — Drawer's indorsement placed below signature of guarantor—Whether complete bill—Whether guarantor liable—Bills of Exchange Act, 1882, s. 20. **Lombard Banking Ltd. v. Central and Engineering Co. Ltd.,**
Scarman J. [1963] 1 Q.B. 220; [1962] 3 W.L.R. 1199.

BILL OF EXCHANGE—*continued.*

Notice of dishonour

Company officer, by

Whether due notice of dishonour—Director of plaintiff company (holders) also secretary of defendant company (indorsers)—Whether due notice in one capacity sufficient in other capacity—Bills of Exchange Act, 1882, s. 49 (5).
Hamilton Finance Co. Ltd. v. Coverley Westray Walbaum & Tosetti Ltd., Mocatta J. [1969] 1 Lloyd's Rep. 53.

Reasonable time

Drawer notified by telephone of dishonour—Notice not sent until after receipt of dishonoured bill—Whether due notice—Bills of Exchange Act, 1882, s. 49, rr. (12), (13).
Lombard Banking Ltd. v. Central and Engineering Co. Ltd., Scarman J. [1963] 1 Q.B. 220; [1962] 3 W.L.R. 1199.

Promissory note

Enforceability

Contract between English manufacturers and foreign purchasers for supply of machinery —Promissory notes payable during progress of work—Goods to be delivered f.o.b. a British port—First promissory note not honoured on due date—Work suspended by English manufacturers—Second note not honoured on due date—Manufacturers' claim on both promissory notes—Allegation in defence of total failure of consideration and illegality—Alleged express term of contract that suppliers agreed to invoice goods falsely contrary to foreign law—Whether defences sustainable in light of contractual evidence.
Fielding & Platt Ltd. v. Najjar, C.A. [1969] 1 W.L.R. 357.

Validity

Payment to be made "on or before" stated date—Whether uncertain or contingent—Bills of Exchange Act, 1882, ss. 11, 83 (1).
Williamson v. Rider, C.A. [1963] 1 Q.B. 89; [1962] 3 W.L.R. 119.

BILL OF LADING. *See* SHIPPING.

BILL OF SALE

"Apparent possession"

Transfer of chattels

Husband to housekeeper—Written transfer—Possession—Bills of Sale Act, 1878, ss. 4, 8—Sale of Goods Act, 1893, s. 18.
Koppel v. Koppel. Wide, Claimant, C.A. [1966] 1 W.L.R. 802.

Hire-purchase agreement

Loan transaction

Agreement void for non-registration as bill of sale.
North Central Wagon Finance Co. Ltd. v. Brailsford, Cairns J. [1962] 1 W.L.R. 1288.

BRITISH GUIANA. (*See also* WEST INDIES.)

Contract

Dispute as to effect of agreement

Service contract—Appointment as general manager of statutory corporation—Whether concluded contract—Whether unenforceable through lack of proper form—Whether ultra vires—British Guiana Credit Corporation Ordinance, No 13 of 1954 (as amended by No. 13 of 1955), Laws of British Guiana, ss. 6 (1), 7 (3), 13.
British Guiana Credit Corpn. v. Da Silva, P.C. [1965] 1 W.L.R. 248.

Sale of land

Time not the essence—Purchaser's unnecessary delay—Vendor's notice requiring completion in six days—Whether reasonable.
Ajit v. Sammy, P.C. [1967] 1 A.C. 255; [1966] 3 W.L.R. 983.

Revenue

Income tax

Company—Dividend—Paid out of capital profits—Taxable income of recipient—Income Tax Ordinance (Laws of British Guiana, c. 299), s. 5 (*c*).
Bicber Ltd. v. Income Tax Comrs., P.C. [1962] 1 W.L.R. 897.

BRITISH HONDURAS

Election petition

Election to local government authority

No jurisdiction in Privy Council to entertain appeal.
Arzu v. Arthurs, P.C. [1965] 1 W.L.R. 675.

BUILDING

By-law

Building not originally constructed as a house

By-law applying to case where material change in purposes for which building used—Whether a complete code—Whether by-laws relating to structural alterations excluded —Public Health Act, 1936, s. 62 (1) (*b*).
Falkner v. Underdown, Divl.Ct. (1963) 62 L.G.R. 50.

BUILDING—*continued.*

By-law—*continued.*

Dwelling-house

Certificate of habitation issued by local authority—Whether conclusive.
Billyack v. Leyland Construction Co. Ltd., Edmund Davies L.J. [1968] 1 W.L.R. 471.

Contract

Arbitration

Institution of Civil Engineers General Conditions of Contract—Disputes or differences to be referred to and settled by the engineer—Whether "dispute or difference"—Whether "reference" to engineer for "decision"—Whether "decision" stated—Whether claims for additional work barred—Jurisdiction of arbitrator to consider claims. **Monmouthshire County Council v. Costelloe and Kemple Ltd.**, Mocatta J. (1964) 63 L.G.R. 131; C.A. (1965) 63 L.G.R. 429.

R.I.B.A. form—Arbitration clause—Action against architect—Builders joined as defendants—Whether claim against builders should be stayed—Arbitration Act, 1950, s. 4 (1).
Taunton-Collins v. Cromie, C.A. [1964] 1 W.L.R. 633.

Sub-contract between builders and sub-contractors for installation of mechanical services in building—Part of sub-contractor's work not certified for payment by architect—Application by sub-contractor under arbitration clause in sub-contract for appointment of arbitrator to decide whether payment due—Action by proposed lessees responsible for part of building costs against sub-contractors and building owners for damages for breach of contract—Alleged contractual relationship with sub-contractor—Application by building owners for order revoking authority of arbitrator—Effect of order—Hardship to sub-contractor—Court's refusal to revoke—Arbitration Act, 1950, s. 1.
City Centre Properties (I.T.C. Pensions) Ltd. v. Matthew Hall & Co. Ltd., C.A. [1969] 1 W.L.R. 772.

Civil engineering

Contract for laying sewers—New sewer to meet old sewer—Road becoming blocked by fracture of old sewer—Whether condition of old sewer could have been "reasonably foreseeable by an experienced contractor"—Whether remedial work necessary "additional work"—Whether due to "engineer's design"—I.C.E. Conditions of Contract, 4th ed. (January, 1955), cll. 12, 20, 21, 22.
C. J. Pearce & Co. Ltd. v. Hereford Corpn., Paull J. (1968) 66 L.G.R. 647.

Construction

Building lease—"Every relic or article of antiquity rarity or value which may be found . . . shall belong to the corporation"—Whether bank-notes "articles of value."
City of London Corpn. v. Appleyard, McNair J. [1963] 1 W.L.R. 982.

Dwelling-house—Vendors to "build and complete in a workmanlike manner"—Excavation to be carried out "in accordance with byelaws" of local authority—Structural defects—Issue of certificate of habitation by local authority—Whether conclusive evidence of satisfactory completion—Whether any limitation of obligation—Barnet Urban District Council Byelaws, Nos. 19, 20—Leyland Construction Co. Ltd. development contract.
Billyack v. Leyland Construction Co. Ltd., Edmund Davies L.J. [1968] 1 W.L.R. 471.

"Nominated sub-contractor"—Right to nominate—Condition providing for contractor to enter into sub-contract with sub-contractor nominated by employer's architect—"Such persons as the architect . . . shall instruct . . ."—Whether duty on employer to nominate sub-contractor initially—"The architect . . . shall issue instructions in regard to the expenditure of prime cost . . . sums"—Failure of nominated sub-contractor to complete sub-contracted work—Whether right to nominate enuring to employer's benefit—Whether employer under duty to nominate another sub-contractor—Contractor's obligation to complete work—R.I.B.A. contract, 1963 ed., conds. 11, 27, 30.
T. A. Bickerton & Son Ltd. v. North West Metropolitan Regional Hospital Board, Nield J. (1968) 66 L.G.R. 597.
C.A. [1969] 1 All E.R. 977; (1968) 67 L.G.R. 83.

I.C.E. form

Provision for payment for additional work resulting from unforeseen physical conditions—Detailed procedure for making claim—Monthly account for "additional expenses" and "engineer . . . entitled to authorise payment"—Additional work resulting from unforeseen physical conditions—No claim in accordance with contractual procedure—Whether engineer power to authorise payment—I.C.E. Conditions of Contract (4th ed.), cl. 52 (4).
Blackford & Sons (Calne) Ltd. v. Christchurch Corpn., Sachs J. (1962) 60 L.G.R. 214.

Implied term

Specified materials—Defect not detectable—Fault in manufatcure—Sub-contractor liable.
Young & Marten Ltd. v. McManus Childs Ltd., H.L.(E.) [1969] 1 A.C. 454; [1968] 3 W.L.R. 630.

BUILDING—*continued.*
Contract—*continued.*
R.I.B.A. form. (*See also* ARCHITECT.)

Arbitration clause—Space left blank—Effect.
Davies, Middleton & Davies Ltd. v. Cardiff Corpn., C.A. (1964) 62 L.G.R. 134.

Architect—Named architect nominating sub-contractors—Whether acting personally or as agent for contractor. **A. Davies & Co. (Shopfitters) Ltd. v. William Old Ltd.,** Blain J. (1969) 67 L.G.R. 395.

Architect's certificate—Certificate to be final and conclusive evidence as to sufficiency of work save as regards defects and insufficiencies which " reasonable examination " would not have disclosed—Defects revealed after end of defects liability period—Whether arbitrator entitled to reopen certificate—Royal Institute of British Architects contract No. 6 (as revised in 1950).
East Ham Corpn. v. Bernard Sunley & Sons Ltd., C.A. [1965] 1 W.L.R. 30. H.L.(E.) [1966] A.C. 406; [1965] 3 W.L.R. 1096.

——————Final certificate to be conclusive evidence in any proceedings that work properly carried out—Two actions by contractors based on interim and final certificates—Employers' allegations that work defective in both actions—Whether final certificate conclusive evidence in both actions to preclude employers' defence and counterclaim—Royal Institute of British Architects Standard Form of Building Contract (1963 ed.), cl. 30 (7).
Hosier & Dickinson Ltd. v. P. & M. Kaye Ltd., C.A. [1970] 1 W.L.R. 1611.

Contractors to proceed " regularly and diligently "—Labour disputes and strikes—Architect's opinion that contractors failed to proceed " regularly and diligently "—Council's letter terminating contractors' employment—Whether validly terminated.
Hounslow London Borough Council v. Twickenham Garden Developments Ltd., Megarry J. [1970] 3 W.L.R. 538.

Extension of time—Sub-contract works apparently completed by due date for completion—Defects subsequently appearing—Remedial work delaying progress of main contract works—Whether main contract works " delayed . . . by delay on the part of nominated sub-contractors "—R.I.B.A. contract (1963 ed.), cl. 23 (g).
J. Jarvis & Sons Ltd. v. Westminster Corpn., C.A. [1969] 1 W.L.R. 1448. H.L.(E.) [1970] 1 W.L.R. 637.

Indemnity clause—Flooding caused by negligence of employer and contractor—Damage to equipment—Employer liable in tort to owner of equipment—Whether employer entitled to recover against contractor under indemnity clause.
AMF International Ltd. v. Magnet Bowling Ltd., Mocatta J. [1968] 1 W.L.R. 1028.

Nominated sub-contractor—Default of—Whether duty on employer to make new nomination—R.I.B.A. contract (1963 ed.), cl. 27 (a).
T. A. Bickerton & Son Ltd. v. North West Metropolitan Regional Hospital Board, H.L.(E.) [1970] 1 W.L.R. 607.

Nominated suppliers—Defective materials—Work stopped—Architect's instructions—Warranty of fitness—Whether contractor liable.
Gloucestershire County Council v. Richardson, H.L.(E.) [1969] 1 A.C. 480; [1968] 3 W.L.R. 645.

Recommendation by builders' association to use—Whether a restrictive practice.
In re **Birmingham Association of Building Trades Employers' Agreement,** R.P.Ct.(E. & W.) (1963) L.R. 4 R.P. 54; [1963] 1 W.L.R. 484.

Sub-contract—Sub-contractors to be nominated by architect—Architect nominating sub-contractors—Whether acting personally—Tender by sub-contractors—Whether offer—Contractor instructed to order performance by nominated sub-contractors in accordance with their tender—Contractor ordering work by pro forma and ad hoc words—Pro forma words varying conditions of tender—Sub-contractor's knowledge of pro forma conditions—Order acknowledged and work done—Whether conditions part of sub-contract. **A. Davies & Co. (Shopfitters) Ltd. v. William Old Ltd.,** Blain J. (1969) 67 L.G.R. 395.

BUILDING—*continued.*

Contract—*continued.*

Warranty

Contract to purchase dwelling-house in course of erection—Vendors to complete in "proper and workmanlike manner" and to make good structural defects appearing within six months of completion—Contract incorporating National Conditions of Sale, including condition that purchaser deemed to buy with knowledge of actual state of property—Condition incorporated in so far as not "inconsistent" with agreement—Cracks in foundations appearing years after completion due to use of defective materials—Defects in materials not known to vendors—Whether vendor in breach of contract—National Conditions of Sale (16th ed.), condition 12 (3).
Hancock v. B. W. Brazier (Anerley) Ltd.,
Diplock L.J. and C.A. [1966] 1 W.L.R. 1317.

Metropolis

Height

Consent to building over 100 feet—Objection by owner of premises within 100 yards—"Owner . . . who may deem himself aggrieved" by grant of consent—Whether ground of grievance limited to loss of light to owner's property—Whether grievances impinging on town planning considerations including loss of visual amenity may be considered by tribunal of appeal—London Building Act, 1930, ss. 51, 52 (2) (*a*) (as amended by London County Council (General Powers) Act, 1954, ss. 5, 52).
Maurice v. London County Council, Divl.Ct. (1963) 62 L.G.R. 153.
C.A. [1964] 2 Q.B. 362; [1964] 2 W.L.R. 715.

Safety regulations

Application

"Affect"—Workman's presence in particular place not reasonably foreseeable by employer—No express prohibition but unforeseeably foolish—Whether workman affected by regulations—Whether presence impliedly authorised or permitted—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4 (1), 27 (2), 28 (1).
Moir-Young v. Dorman Long (Bridge & Engineering) Ltd., C.A. (1969) 7 K.I.R. 86.

"Building"—Installation of parts of sealed reactor building of nuclear reactor in course of construction—Whether "construction . . . of a building"—Removal of welder across improvised bridge over trench—"Scaffold"—Workman in charge injured by welder—Whether employer liable—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 (1), 3 (2), 5, 7 (1), 12 (1), 26 (3), 93.
Byers v. Head Wrightson & Co. Ltd., Elwes J. [1961] 1 W.L.R. 961.

————Whether "construction . . . of a building"—Power station—Installation of plant—Repair to heater drying out plant—Removal of guard—Whether heater "machinery" or "machine"—Whether being "used"—Whether heater "securely fenced"—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 (1), 4, 85.
Baxter v. Central Electricity Generating Board, Ashworth J. [1965] 1 W.L.R. 200.

Independent contractor—Duty to—Whether "person employed"—Liability of contractors and sub-contractors—Building (Safety, Health and Welfare) Regulations, 1948.
Barry v. Black-Clawson International Ltd., C.A. (1966) 2 K.I.R. 237.

Neon lighting signs—Fixed to cinema—Repair—Whether installation part of building—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2 (1), 24 (1).
Price v. Claudgen Ltd., H.L.(Sc.) [1967] 1 W.L.R. 575.

Painters engaged in cleaning and dusting prior to painting—Fall from unlashed ladder—Breach of regulation 29 (4), if regulations applicable—Whether dusting included in operation of "redecoration"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 2 (1). **O'Brien v. U.D.E.C. Ltd.,** C.A. (1968) 4 K.I.R. 449.

"Preparation for . . . an intended building"—Sewage disposal works—Excavation for well—Space intended to be occupied by sewage-carrying pipes—Whether regulations applicable—Whether duty to cover—Whether "place at which any person . . . habitually employed"—Whether duty to forbid the throwing down of materials—Whether regulations relating to excavation exclusive of other regulations—Building (Safety, Health and Welfare) Regulations, 1948, regs. 2, 90 (1) (2).
Horsley v. Collier & Catley Ltd., Nield J. [1965] 1 W.L.R. 1359.

Replacing system of lighting in dock—Whether "repair or maintenance" of a building and so "building operation"—Wire rope on dock—Whether place of work "so far as is reasonably practicable . . . made and kept safe"—Whether wire rope and dunnage on dock "loose materials"—Whether safe system of work.
Morter v. Electrical Installations Ltd., Donaldson J. (1969) 6 K.I.R. 130.

Safe means of access—Independent scaffolding contractor—Employee injured at premises occupied by main contractors—Whether independent contractor under duty to comply with regulations—Construction (Working Places) Regulations, 1966, regs. 2, 3, 4, 6.
Smith v. Vange Scaffolding & Engineering Co. Ltd.,
MacKenna J. [1970] 1 W.L.R. 733.

BUILDING—*continued.*

Safety regulations—*continued.*

Application—continued.

Steel erector—Permanent structure—Regulation providing for support "where work cannot safely be done"—Provision of safety belts in special circumstances—Steel erector working astride girder—Girder part of permanent structure—Fall—Whether safe place of work—Whether breach by employer of regulations—Construction (General Provisions) Regulations, 1961, regs. 7 (2), 54.
Woods v. Power Gas Corpn. Ltd., C.A. (1969) 8 K.I.R. 834.

Technical breach—Regulation requiring top of ladder to be lashed before use—Staircase giving access to top of ladder—Scaling of ladder by workman to lash it—No instruction to use staircase—Fall of ladder—Whether workman wholly to blame—Liability of employers—Oil storage tank—Whether a "building"—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 29 (4).
Boyle v. Kodak Ltd., H.L.(E.) [1969] 1 W.L.R. 661.

Contravention of

Houses not completed—Whether offence committed before building completed—Public Health Act, 1936, s. 65 (1)—Public Health Act, 1961, ss. 4 (4) (6), 5—Building Regulations, 1965.
Sunley Homes Ltd. v. Borg, D.C. [1970] 1 Q.B. 115; [1969] 3 W.L.R. 496.

Delegation of duties to foreman

Injury to foreman—Fall from ladder—Unauthorised absence of fellow worker—Failure to comply with requirements of regulations—Whether breach co-extensive with employer's breach. **McMath v. Rimmer Brothers (Liverpool) Ltd.,** C.A. [1962] 1 W.L.R. 1.

Demolition

Failure of builders to shore or strut gable knowing groove to be cut in it—Collapse of gable—Injury to bricklayer—Building (Safety, Health and Welfare) Regulations, 1948, reg. 94 (2). **Clayton v. Woodman & Son (Builders) Ltd.,** Salmon J. [1962] 2 Q.B. 533; [1961] 3 W.L.R. 987.

Meaning of "any person employed"—Whether limited to employees of demolition contractor—Meaning of "during the progress of the work"—Demolition contractors left site but to return later to demolish wall—Whether demolition work in progress—Whether "any work . . . carried on . . . likely to reduce . . . stability of any part of an existing building"—Whether demolition contractors or building labourer's employers liable—Building (Safety, Health and Welfare) Regulations, 1948, regs. 79 (7), 94 (2).
Clay v. A. J. Crump & Sons Ltd., C.A. [1964] 1 Q.B. 533; [1963] 3 W.L.R. 866.

"Edge of the roof"

Asbestos roof in course of construction—Removal of badly laid sheet—Fall of workman through opening in roof—Whether fall from edge—Applicability of regulation—Building (Safety, Health and Welfare) Regulations, 1948, reg. 31 (1).
Donaghey v. P. O'Brien & Co., C.A. [1966] 1 W.L.R. 1170.
Donaghey v. Boulton & Paul Ltd., H.L.(E.) [1968] A.C. 1; [1967] 3 W.L.R. 829.

Eyes

Brick dust—Plaintiff demolishing brickwork with hammer and chisel—Injury to eye—Whether duty on employers to provide him with goggles or screens—Whether bricks "similar materials" to "stone, concrete, slag"—Whether plaintiff "breaking, cutting, dressing or carving" them—"Process"—Construction (General Provisions) Regulations, 1961, reg. 52, Sch. 2. **Hobbs v. C. G. Robertson Ltd.,** C.A. [1970] 1 W.L.R. 980.

Cutting glazed earthenware drainpipe with hammer and chisel—Whether "... cutting ... stone, concrete, slag or similar materials by means of a hand tool (other than a trowel)"—Whether "process"—Protection of eyes of person engaged in process—Goggles unprovided—Eye injury caused by particle of metal from tool—Whether necessity to provide protection against particle flying from tool—Construction (General Provisions) Regulations, 1961, reg. 52, Sch., para. (2).
Littler v. G. L. Moore (Contractors) Ltd., Brabin J. [1967] 1 W.L.R. 1241.

Nailing wooden batten to concrete—Process of compression and not of breaking or cutting concrete—Whether process requiring protection—Batten in fact providing protection—Process literally divisible by batten—Fragment of metal hammer lodging in plaintiff's eye—Construction (General Provisions) Regulations, 1961, reg. 52, Sch., para. (2).
Baker v. F. Rendell & Sons Ltd., Lloyd-Jones J. [1970] 3 All E.R. 442.

Falling materials

Electrically operated hoist—Bricks loaded into wheelbarrows placed on hoist platform—No precautions against falling materials—Falling bricks injuring plaintiff on ground—Plaintiff employed by bricklaying firm under contract to builders—Whether regulation "affects" builders—Construction (General Provisions) Regulations, 1961, regs. 3 (1) (*a*), 46 (1). **Upton v. Hipgrave Brothers,** Marshall J. [1965] 1 W.L.R. 208.

BUILDING—*continued.*

Safety regulations—*continued.*

Factories Act. See FACTORY.

Gangway

Concrete passageway part of actual building under construction—Whether a "gangway"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 27 (2).
Jennings v. Norman Collison (Contractors) Ltd., C.A. [1970] 1 All E.R. 1121.

Guard-rails

Outside staircase—Guard-rail three feet above stairs—Plaintiff's fall over side under rail—Purpose of guard-rails to provide effective physical barrier—Whether one guard-rail "suitable"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 27 (2) (*a*).
Astell v. London Transport Board, C.A. [1966] 1 W.L.R. 1047.

"Immediate supervision"

Demolition—Demolition of floor—Two possible methods of removing beam on two adjoining walls—Safe method prescribed by foreman—Foreman called to telephone—Workmen's adoption of other method in foreman's absence—"Immediate supervision"—Meaning of—Whether regulation applicable—Whether if applicable breach of statutory duty—Building (Safety, Health and Welfare) Regulations, 1948, reg. 79 (5).
Owen v. Evans & Owen (Builders) Ltd., C.A. [1962] 1 W.L.R. 933.

Ladder

Regulation requiring top of ladder to be lashed before used—Access to top of ladder by staircase—Scaling of ladder by workman to lash it—Fall of ladder—Whether workman solely to blame—No instruction to use staircase—Whether workman would have obeyed such instruction—Liability of employers—Oil storage tank—Whether a "building"—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 29 (4).
Boyle v. Kodak Ltd., C.A. (1967) 3 K.I.R. 28.

Lifting operation

Workman injured through swinging pipe—Employer's failure to supply proper lifting equipment—Whether a breach of regulation requiring loads to be securely suspended—Construction (Lifting Operations) Regulations, 1961, reg. 49 (1).
Machray v. Stewarts and Lloyds Ltd., McNair J. [1965] 1 W.L.R. 602.

"Opening" in roof

Roof in course of construction—Unguarded light opening surrounded on all sides by insulating board at material time—Whether "opening in a roof"—Whether work being done to enclose "opening"—Whether "impracticable" to cover or guard "opening"—Building (Safety, Health and Welfare) Regulations, 1948, regs. 30 (1) (5), 97.
Moorcroft v. Thomas Powles & Son Ltd., Divl.Ct. [1962] 1 W.L.R. 1447.

————————Unguarded light opening surrounded on three sides only by roof at material time—Whether "opening in a roof"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 30.
Phillips v. Robertson Thain Ltd., Divl.Ct. [1962] 1 W.L.R. 227.

Roof

Barrel roof ending in flat roof at either end—Flat roof 20 feet from ground—Workmen on duckboard on barrel roof—Workman's fall from roof—Whether flat roof a "working place"—Whether flat roof or duckboard a "gangway"—Whether duckboard "adequate foothold"—Whether duckboard "safe means of access and egress"—Building (Safety, (General Provisions) Regulations, 1961, reg. 7 (1).
Regan v. G. & F. Asphalt Ltd., Blain J. (1967) 65 L.G.R. 464; 2 K.I.R. 666.

Safe means of access—Employee working from roof to knowledge of employers—Convenient but not necessary to do so—Not proper place from which to work—Employers' failure to inspect roof to see that safe—Whether negligent—Fall of employee through roof—Whether employers in breach of statutory duty—Whether roof place where employee "has . . . to work"—"Have to pass over"—"Ladders"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 31 (3)—Construction (General Provisions) Regulations, 1961, reg. 7 (1).
Kendrick v. Cozens and Sutcliffe Ltd., C.A. (1968) 4 K.I.R. 469.

Roof of fragile materials

Duty to provide crawling-boards—Available on ground but not used on roof—Breach of regulations—Whether sub-contractors liable for breach—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 31 (3).
Donaghey v. Boulton & Paul Ltd., H.L.(E.) [1968] A.C. 1; [1967] 3 W.L.R. 829.

Safe means of access

Access to roof by means of ladder, concrete passageway and steel-framed door with deadlock—Means of access to and egress from roof constituted by passageway and door together—Whether safe—Construction (General Provisions) Regulations, 1961, reg. 7.
Jennings v. Norman Collison (Contractors) Ltd., C.A. [1970] 1 All E.R. 1121.

BUILDING—*continued.*

Safety regulations—*continued.*

Scaffold

Erection—Supervision—Duty to strut and brace " where necessary "—Competent workman injured by collapse of trestle while putting planks into position for painting station roof—Degree of supervision commensurate with danger and difficulty involved—Building (Safety, Health and Welfare) Regulations, 1948, regs. 3, 6, 9, 12 (1).
Maloney v. A. Cameron Ltd., C.A. [1961] 1 W.L.R. 1087.

Failure to provide suitable scaffold—Whether workman would have used scaffold if provided—Whether failure to provide cause of fall—Construction (General Provisions) Regulations, 1961, reg. 7 (2).
O'Donnell v. Murdoch McKenzie & Co. Ltd., H.L. (Sc.) (1967) 3 K.I.R. 299.

Latent defect—Whether employee's breach of duty co-extensive with that of employer—Equipment borrowed by employee with authority of employer—Whether " provided " by employer—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 5, 7.
Quinn v. J. W. Green (Painters) Ltd., C.A. [1966] 1 Q.B. 509; [1965] 3 W.L.R. 1301.

Laying asbestos sheets on roof—Whether " work that cannot safely be done " without scaffolding—" Cannot safely be done "—Building (Safety, Health and Welfare) Regulations, 1948, reg. 5. **Connolly v. McGee**, Paull J. [1961] 1 W.L.R. 811.

Left " partly . . . dismantled "—Workman properly provided with trestles—User of scaffold for balancing—Whether scaffold " capable of being used "—Construction (Working Places) Regulations, 1966, regs. 4, 7, 12.
Skelton v. A.V.P. Developments Ltd., C.A. (1970) 8 K.I.R. 927.

Oil refinery and shore arm development—Scaffolders fixing guard rails on shore arm pending grouting by main contractors—Holes in road surface of shore arm—Injury to scaffolders' employee—Whether " building operation " or " work of engineering construction "—Whether safe means of access and place of work—Whether " scaffold "—Construction (General Provisions) Regulations, 1961, regs. 2 (1), 4 (2), 7 (1).
Singh v. Vange Scaffolding & Engineering Co. Ltd., Melford Stevenson J. (1969) 7 K.I.R. 101.

Permanent structure—" Scaffold "—Fall of erector from gutter in process of being laid due to defective hook bolt—Whether gutter as incomplete part of permanent structure of a building within scaffold regulations—Duty under regulations in respect of construction material support and stability of scaffolds, gangways, and working platforms absolute—Whether " scaffold " limited to temporary structures—Building (Safety, Health and Welfare) Regulations, 1948, regs. 3, 7 (1) (4), 8 (1), 12 (2).
Curran v. William Neill & Son (St. Helens) Ltd., C.A. [1961] 1 W.L.R. 1069.

Platform erected by main contractors—Access to platform by ladder secured to ledger—Ledger bar horizontally crossing between two rungs of ladder—Fall of workman stubbing toe against bar—Workman employed by subcontractors—Whether breach of common law duty—Whether scaffold of " good construction "—Whether design and layout " construction "—Whether means of access subject to requirements as " scaffold "—Liability of main contractors—Liability of subcontractors—Building (Safety, Health and Welfare) Regulations, 1948, reg. 7 (1)—Construction (General Provisions) Regulations, 1961, regs. 3 (1), 7 (1).
Smith v. A. Davies & Co. (Shopfitters) Ltd., Cooke J. (1968) 5 K.I.R. 320.

Subcontractors—Staging laid on scaffolding—Scaffolding supplied by contractors, erected by specialist firm—Insufficient staging provided—Staging placed in position by employee of subcontractors forming narrow platform—Fall of painter employed by subcontractors—Whether contractors in breach of duty to provide suitable and sufficient scaffold—Whether scaffold erected or altered by incompetent person—Whether contractor in breach of statutory duty—Whether contractor " occupying " premises—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 5, 6—Occupiers' Liability Act, 1957, s. 1 (3).
Kearney v. Eric Waller Ltd., Lawton J. [1967] 1 Q.B. 29; [1966] 2 W.L.R. 208.

Stairways and landings

Side of any landing overlooking stairwell to be " guarded "—Balustrades with large apertures—Meaning of " guarded "—Public Health Act, 1961, s. 4 (6)—Building Regulations, 1965, regs. H5 (2), B1.
Sunley Homes Ltd. v. Borg, D.C. [1970] 1 Q.B. 115; [1969] 3 W.L.R. 496.

Subcontractor

Failure by subcontractor to comply with statutory requirements—Personal injuries to employee of subcontractor—Contractor's liability for breach of duty—Building (Safety, Health and Welfare) Regulations, 1948, reg. 31 (1).
Donaghey v. P. O'Brien & Co., C.A. [1966] 1 W.L.R. 1170.
Donaghey v. Boulton & Paul Ltd., H.L. (E.) [1968] A.C. 1; [1967] 3 W.L.R. 829.

BUILDING AND CONSTRUCTION

Safety regulations

" Working place "

Meaning—Construction of flat roof—Fall of workman over edge—Whether fall from " working place "—Building (Safety, Health and Welfare) Regulations, 1948, reg. 24 (1).
Kelly v. Pierhead Ltd., C.A. [1967] 1 W.L.R. 65.

————Ladder—Workmen using interlocked ladders to paint roof—No guard rails or toe boards—Workman's fall from roof while stepping off ladder—Whether breach of statutory duty—Building (Safety, Health and Welfare) Regulations. 1948, reg. 24 (1), (5).
Gill v. Donald Humberstone & Co. Ltd., C.A. [1962] 1 W.L.R. 1178.
H.L.(E.) [1963] 1 W.L.R. 929.

Working places regulations

Dockside crane with limited mobility—Whether crane a " structure " or " any other civil or constructional engineering works of a similar nature "—Factories Act, 1961, s. 176—Construction (Working Places) Regulations, 1966, reg. 2—Engineering Construction (Extension of Definition) Regulations, 1960, reg. 3.
British Transport Docks Board v. Williams, D.C. [1970] 1 W.L.R. 652.

Application

Independant contractor's employee—Safe means of access—Workman not employed by main contractors injured at premises occupied by main contractors—No safe means of access and egress—Whether main contractors under duty to workman to comply with regulation—" As affect him "—Construction (General Provisions) Regulations, 1961, regs. 3 (1) (*a*), 7 (1). **Bunker v. Charles Brand & Son Ltd.,** O'Connor J. [1969] 2 Q.B. 480; [1969] 2 W.L.R. 1392.

" Machinery "

Portable tool—Flexible shaft grinding machine—Cutting wheel driven by electricity through flexible driving shaft—Motor plugged in to any electricity supply—Driving shaft not entirely covered—Whether " machinery "—Whether uncovered part of revolving shaft a " dangerous part of other machinery "—Construction (General Provisions) Regulations, 1961, reg. 42. **Lovelidge v. Anselm Odling & Sons Ltd.,** Widgery J. [1967] 2 Q.B. 351; [1967] 2 W.L.R. 585.

BUILDING SOCIETY

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Expenses

Notice to produce books and accounts—Direction to pay expenses incurred by registrar in relation to society—Sum including costs of carrying out control—Whether " expenses incurred . . . under the foregoing subsections "—Whether discretion of registrar limited—Whether direction intra vires—Jurisdiction of court to inquire into validity—Building Societies Act, 1960, s. 8 (3).
Musson v. Emile, Edmund Davies J. [1964] 1 W.L.R. 337.

Meeting

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All members entitled to notice of meetings under rules—Notice of special resolutions given to voting members only—Whether resolutions validly made—Building Societies Act, 1960, s. 35 (1).
Royal Mutual Benefit Building Society v. Sharman, Plowman J. [1963] 1 W.L.R. 581.

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Construction

Shares—Whether fixed term and fixed rate shares—Whether ordinary shares subject to cancellation, withdrawal and rateable payment of dividends—Whether increased rate of interest payable to ordinary shareholders.
Alliance Perpetual Building Society v. Clifton, Buckley J. [1962] 1 W.L.R. 1270.

BURDEN OF PROOF. (*See also* PRESUMPTION.)

Bailment. *See* BAILMENT.

Causation. *See* CAUSATION.

Contract

Exceptions clause. See CONTRACT.

Insurance

Arson. **Slattery v. Mance,** Salmon J. [1962] 1 Q.B. 676; [1962] 2 W.L.R. 569.

Crime

Civil case

Allegation of criminal offence—Whether criminal or civil standard of proof applicable.
Post Office v. Estuary Radio Ltd., O'Connor J. [1967] 1 W.L.R. 847.

BURDEN OF PROOF—*continued.*

Crime—*continued.*

Civil case—*continued.*

Standard of proof—Allegation of criminal offence—Whether criminal or civil standard of proof applicable.
Post Office v. Estuary Radio Ltd., C.A. [1968] 2 Q.B. 740; [1967] 1 W.L.R. 1396.

——————Civil proceedings concerning devolution of property—Allegation of felonious killing. *In re* **Dellow's Will Trusts**, Ungoed-Thomas J. [1964] 1 W.L.R. 451.

Criminal case

Burden on prosecution throughout

Alibi—Whether onus on defendant to prove alibi.
Reg. v. Johnson, C.C.A. [1961] 1 W.L.R. 1478.

Drunkenness as defence—Necessary intent.
Broadhurst v. The Queen, P.C. [1964] A.C. 441; [1964] 2 W.L.R. 38.

Duress—Whether for defence to establish—Whether ultimate burden on prosecution to destroy defence—Larceny. **Reg. v. Gill**, C.C.A. [1963] 1 W.L.R. 841.

Justification—Killing or infliction of violence—Whether for prosecution to disprove.
Reg. v. Wheeler, C.A. [1967] 1 W.L.R. 1531.

Prosecution evidence calling for explanation by accused—No presumption of guilt raised in absence of explanation by accused.
Reg. v. Bradbury, C.A. [1969] 2 Q.B. 471; [1969] 2 W.L.R. 615.

Removal of property after presentation of bankruptcy petition—Direction to jury that onus on defendant to prove lack of fraudulent intent.
Reg. v. Lusty, C.C.A. [1964] 1 W.L.R. 606.

County Court

Burden of proof on complainant—County Courts Act, 1959, s. 30.
Southam v. Smout, C.A. [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606.

Dangerous driving

Defence of automatism.
Watmore v. Jenkins, Divl.Ct. [1962] 2 Q.B. 572; [1962] 3 W.L.R. 463.

Defence of mechanical defect—Direction to jury.
Reg. v. Spurge, C.C.A. [1961] 2 Q.B. 205; [1961] 3 W.L.R. 23.

Disability, mental, accused under

Question of fitness to be tried raised by prosecution—Burden of proof of disability on prosecution. **Reg. v. Robertson**, C.A. [1968] 1 W.L.R. 1767.

Drugs, unauthorised possession of

Whether for defence to raise prima facie case that possession lawful—Drugs (Prevention of Misuse) Act, 1964, s. 1 (1) (*a*).
Reg. v. Ewens, C.C.A. [1967] 1 Q.B. 322; [1966] 2 W.L.R. 1372.

Endangering user of highway

Deposit of hopper—Defence to prove lawful authority or excuse—Prosecution to prove article deposited on highway and injury or danger to user—Magistrates' Courts Act, 1952, s. 81—Highways Act, 1959, s. 140 (1).
Gatland v. Metropolitan Police Comr., Divl.Ct. [1968] 2 Q.B. 279; [1968] 2 W.L.R. 1263.

Obstruction

Indictment at common law. **Reg. v. Andrews**, *Ex parte* **Cheshunt Urban District Council**, Divl.Ct. (1962) 60 L.G.R. 211.

Possession of housebreaking implements by night

Implement capable of innocent use—Whether for defence to prove lawful excuse—Larceny Act, 1916, s. 28 (2).
Reg. v. Patterson, C.C.A. [1962] 2 Q.B. 429; [1962] 2 W.L.R. 496.

Self-defence

Assault occasioning actual bodily harm—Prosecution to prove not legitimate self-defence.
Reg. v. Julien, C.A. [1969] 1 W.L.R. 839.

Factories Acts

"*So far as is reasonably practicable*"
Nimmo v. Alexander Cowan & Sons Ltd., H.L.(Sc.) [1968] A.C. 107; [1967] 3 W.L.R. 1169.

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Insurance

Arson. **Slattery v. Mance**, Salmon J. [1962] 1 Q.B. 676; [1962] 2 W.L.R. 569.

BURDEN OF PROOF—*continued.*

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Challenge to validity of return

Whether for detained person to prove invalidity—Whether detaining authority to prove compliance with condition precedent to validity.
Reg. v. Governor of Brixton Prison, *Ex parte* **Ahsan,** D.C. [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618.

Husband and wife

Alimony

Appeal from registrar's order to judge in chambers—Onus on appellant.
Sansom v. Sansom, Sir Jocelyn Simon P. [1966] P. 52; [1966] 2 W.L.R. 1125.

Marriage

Capacity to marry—Doubtful earlier marriage not ended by death or divorce at date of existing marriage—Whether burden of proof on petitioner to prove doubtful prior marriage invalid. **Taylor v. Taylor,** Cairns J. [1967] P. 25; [1965] 2 W.L.R. 779.

Loan

Claim for repayment by plaintiff

Admission of receipt by defendant—Alleged by plaintiff to be loan—Alleged by defendant to be gift—Simple payment of money between strangers—No circumstances giving rise to presumption of advancement—Whether payment prima facie importing obligation to repay—Whether burden on defendant to prove case.
Seldon v. Davidson, C.A. [1968] 1 W.L.R. 1083.

Matrimonial causes

Civil or criminal standard

Condonation—Adultery.
Blyth v. Blyth, H.L.(E.) [1966] A.C. 643; [1966] 2 W.L.R. 634.

Conflicting findings on same issue of adultery.
Joyce v. Joyce, C.A. [1966] P. 84; [1966] 2 W.L.R. 660.

Nature of onus

"Breath test"

Non-compliance by constable with manufacturer's instructions—Allegation of negligence—Not raised before close of prosecution's case—Presumption of good faith.
Rendell v. Hooper, D.C. [1970] 1 W.L.R. 747.

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Pension claim, civilian war injuries

Burden on claimant

After seven years—Onus of proof of "reasonable doubt"—Personal Injuries (Civilian) Scheme, 1964, art. 5 (1) (2) (3). **Cadney v. Minister of Pensions and National Insurance,** Edmund Davies J. [1966] 1 W.L.R. 80.

Pensions claim under Royal Warrant

Burden on Crown

Civil or criminal standard of onus of proof—"Benefit of any reasonable doubt" to be given to claimant—Royal Warrant, 1949, art. 4 (2) (3).
Judd v. Minister of Pensions and National Insurance, Edmund Davies J. [1966] 2 Q.B. 580; [1966] 2 W.L.R. 218.

Probate action

Standard of proof

Lex fori applicable in all matters of burden of proof.
In the Estate of Fuld, decd. (No. 3), Scarman J. [1968] P. 675; [1966] 2 W.L.R. 717.

Rates

Liability for

Summons for non-payment—Served on person named on valuation list—No longer in occupation of hereditament—Duty to show cause why not liable—General Rate Act, 1967, s. 97 (1).
Des Salles D'Epinoix v. Kensington and Chelsea (Royal) London Borough Council, D.C. [1970] 1 W.L.R. 179.

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BURIAL. *See* CEMETERY.

BUSINESS NAME

Non-registration

Relief

Discretion of court—Whether relief granted—Registration of Business Names Act, 1916, s. 8 (1) (*a*).
Watson v. Park Royal (Caterers) Ltd., Edmund Davies J. [1961] 1 W.L.R. 727.

BY-LAW. *See* BUILDING.

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CANADA

Harbour

Discharge of goods

Goods stored by harbour authority—Goods damaged—Whether action statute-barred—Whether harbour authority public authority—Toronto Harbour Commissioners Act, 1911—Ontario Public Authorities Protection Act, R.S.O., 1960, c. 318, s. 11.
Cloudfoam Ltd. v. Toronto Harbour Comrs., Ontario C.A. [1969] 2 Lloyd's Rep. 594.

Insurance

Air carrier's liability insurance

Direct action against air carrier's insurer by insured passengers—Insurance Act, R.S.O. 1960, c. 190, s. 95—Authorisation of international flight not obtained, contrary to operating licence—Whether flight conducted "in accordance with licences issued to insured"—Operating certificate—Meaning of "under visual flight rules only."
Orion Insurance Co. v. Crone, Crone & Robert Crone Pictures Ltd., Canada Supreme Ct., [1968] 1 Lloyd's Rep. 443.

Contract of carriage

Cargo unloaded from ship and lost overboard from ship's barge—Whether shipowners negligent—Effect of bill of lading clauses—Whether barge unseaworthy—Limitation of liability—Meaning of "package or unit"—Whether barge a "ship"—Rules scheduled to Canadian Water Carriage of Goods Act, 1936, art. 1—Canada Shipping Act, s. 2 (*a*).
Falconbridge Nickel Mines Ltd. v. Chime Shipping Ltd., Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 277.

Limitation of liability

Collision in navigational channel due to displacement of leading lights—Claim by Crown, as channel owner, to limit liability—Whether navigational channel a "canal"—Whether Crown in "actual fault or privity"—Interest on damages—Whether allowable against Crown—Canada Shipping Act, R.S.C. 1952, s. 660.
The Hermes, Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 347.

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Crown prerogative

Application to statute—Whether limitation sections of Canada Shipping Act, R.S.C., 1952, take away cause of action vested in Crown—Whether restriction of Crown's prerogative.
The Chugaway II, Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 526.

Limitation of liability

"Actual fault or privity"—Collision between tow and bridge—Practice of calculating clearance by counting planks on previous bridge—Tugmaster over-estimated height of bridge above flood—Duty of tug owners to instruct master in matters of navigation.
The Chugaway II, Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 526.

CAPITAL OR INCOME. (*See also* Revenue **(Income tax)**.)

Company, distribution by

Unsecured loan stock

Probability of redemption—Whether test.
In re **Outen's Will Trusts**, Plowman J. [1963] Ch. 291; [1962] 3 W.L.R. 1084.

Death, receipt after

Rent

Rent payable on quarter day—Death of landlord on quarter day—Rent payable in arrears—Rent in advance paid prior to death of landlord—Whether rents received capital or income—Apportionment Act, 1870, s. 2.
In re **Aspinall, decd.**, Buckley J. [1961] Ch. 526; [1961] 3 W.L.R. 235.

Town planning

Compensation

Will—Payments made after death of testator—Whether interest apportionable—Town and Country Planning Act, 1954, s. 14 (1).
In re **Chance's Will Trusts**, Wilberforce J. [1962] Ch. 593; [1962] 1 W.L.R. 409.

Will

Income of fund settled by testator accruing under resulting trust for estate

Re Earl of Chesterfield's Trusts, rule in—Residuary estate on trust for conversion defined to include investments remaining unconverted pursuant to express power to postpone conversion—Trustees unaware of asset forming part of residuary estate—Rule not excluded. *In re* **Guinness's Settlement**, Goff J. [1966] 1 W.L.R. 1355.

CARRIAGE BY AIR. *See* Aircraft.

CARRIAGE BY LAND. *See* Bailment.

CARRIAGE BY RAILWAY. *See* Railway.

CARRIAGE BY SEA. *See* Shipping.

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CATTLE
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CAUSATION
Breach of statutory duty
Burden of proof
Failure to fence dangerous machinery—Employee's unexplained accident—Factories Act, 1961, s. 14 (1). **Allen v. Aeroplane and Motor Aluminium Castings Ltd.,** C.A. [1965] 1 W.L.R. 1244.

Failure to provide safety belt—Fall of steel erector—Factories Act, 1937, s. 26 (2).
McWilliams v. Sir William Arrol & Co. Ltd., H.L.(Sc.) [1962] 1 W.L.R. 295.

Whether injury caused by breach—Gutter as working platform—Absence of handrails—Collapse of gutter.
Curran v. William Neill & Son (St. Helens) Ltd., C.A. [1961] 1 W.L.R. 1069.

Window-cleaner—Whether he would have used safety precautions—Failure of occupier to supply hooks or bars to which window-cleaner could attach safety belt.
Wigley v. British Vinegars Ltd., C.A. [1961] 1 W.L.R. 1261.
H.L.(E.) [1964] A.C. 307; [1962] 3 W.L.R. 731.

Fellow workman, breach by. *See* **Negligence.**

Concurrent causes
Industrial injury
Eye loss resulting from accident—Subsequent contraction of disease in remaining eye before assessment of benefit—Whether near blindness "a result of . . . injury" through accident—National Insurance (Industrial Injuries) (Benefit) Regulations, 1964, reg. 2 (3) (*a*). **Reg. v. Industrial Injuries Comr.,** *Ex parte* **Cable,** C.A. [1968] 1 Q.B. 729; [1968] 2 W.L.R. 1.

Husband and wife
Connivance to adultery
Whether causing later adultery.
Godfrey v. Godfrey, H.L.(E.) [1965] A.C. 444; [1964] 3 W.L.R. 524.

Nationalisation and/or denationalisation
Consequent loss
Compensation for loss of employment—Iron and Steel Holding and Realisation Agency—Return of companies to private ownership—Sale of company by agency to consortium—Sale by consortium to two companies—Closure of company—Employee of company suffering loss of employment—Probability of company continuing in business after date of closure but for sale by agency—Whether loss of employment "in consequence of" sale by agency—Whether sale by agency "relevant event"—Iron and Steel Act, 1953, ss. 1, 18, 24 (1)—Iron and Steel (Compensation to Officers and Servants) (No. 2) Regulations, 1953, regs. 3 (1), 9 (as amended by Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations, 1964).
Iron and Steel Holding and Realisation Agency v. Compensation Appeal Tribunal, Divl.Ct. [1966] 1 W.L.R. 480.

Negligence
Burden of proof
Dermatitis contracted by workman—Subjected to conditions likely to cause it—Disease not previously suffered by him—Original symptoms typical of industrial dermatitis—Presumption. **Gardiner v. Motherwell Machinery and Scrap Co. Ltd.,** H.L.(Sc.) [1961] 1 W.L.R. 1424.

Failure to provide safety belt—Fall of steel erector.
McWilliams v. Sir William Arrol & Co. Ltd., H.L.(Sc.) [1962] 1 W.L.R. 295.

Illiterate workman—Failure to understand notice informing him of availability of spats—Safety spats not worn—Not worn by majority of employees—Whether, if literate, would have worn safety spats.
James v. Hepworth & Grandage Ltd., C.A. [1968] 1 Q.B. 94; [1967] 3 W.L.R. 178.

Fellow workman, of
Quarry—Testing detonators—Failure by two workmen of equal status in concert to obey safety instructions—Whether fault of one cause of injury to other—Whether causation a question of fact—Breach of statutory duty—Mines and Qarries Act, 1954, s. 157—Quarries (Explosives) Regulations, reg. 27 (4).
Imperial Chemical Industries Ltd. v. Shatwell, H.L.(E.) [1965] A.C. 656; [1964] 3 W.L.R. 329.

CAUSATION—*continued.*

Negligence—*continued.*

Knowledge of latent defect

Injury to plaintiff caused by tool with latent defect—Previous accident to another workman using same tool—Knowledge of employer—Whether manufacturer of tool liable to plaintiff. **Taylor v. Rover Co. Ltd.**, Baker J. [1966] 1 W.L.R. 1491.

Nuisance

Highway

Escape of gas causing explosion in highway—Sole and effective cause of escape a burst water main belonging to corporation—No fault of gas board—Whether nuisance "caused" by gas board.
Dunne v. North Western Gas Board, C.A. [1964] 2 Q.B. 806; [1964] 2 W.L.R. 164.

Suicide

War service, after

Whether suicide attributable to war conditions—War pensions.
Freeman v. Minister of Pensions and National Insurance, Edmund Davies J. [1966] 1 W.L.R. 456.

CEMETERY

Burial ground

Disused

Erection of building attached to parish church—Provision of ancillary facilities for congregation—Whether "enlarging" church—Disused Burial Grounds Act, 1884, s. 3.
In re **St. Mary's, Luton**, St. Alban's Const.Ct. [1967] P. 151; [1966] 3 W.L.R. 532.
Ct. of Arches [1968] P. 47; [1966] 3 W.L.R. 1171.

Erecting building on

Part of burial ground not yet used—Bequest for erection of dwelling-house for caretaker—Proposed erection on unused part—Whether burial ground "disused"—Whether bequest valid—Disused Burial Grounds Act, 1884, s. 3—Open Spaces Act, 1887, s. 4.
In re **Jewison's Will Trusts**, Wilberforce J. [1962] Ch. 414; [1961] 3 W.L.R. 1290.

Cremation

Rating

Whether charitable. **Scottish Burial Reform and Cremation Society Ltd. v. Glasgow Corpn.**, H.L.(Sc.) [1968] A.C. 138; [1967] 3 W.L.R. 1132.

CENSUS

Form of return

Validity

Order in Council—Regulations—Whether particulars to be written by head of a household—Whether proper for verified particulars to be written by enumerator—Whether regulations ultra vires—Census Act, 1920, s. 8 (1) (*a*)—Census Order, 1965, arts. 3, 4, 5, 12, Schs. 1, 2—Census Regulations, 1965, regs. 8, 16, 17.
Turner v. Midgley, Divl.Ct. [1967] 1 W.L.R. 1247.

CERTIORARI. *See* CROWN PRACTICE.

CEYLON

Administration of estates

Secretary of District Court appointed administrator

Corporation sole—Code of Civil Procedure (Legislative Enactments of Ceylon, 1938 Rev., c. 86), s. 520. **Salih v. Atchi**, P.C. [1961] A.C. 778; [1961] 2 W.L.R. 969.

Appeal to Privy Council

Criminal matter

Not abrogated by attainment of independence by Ceylon—Structure of courts and system of appeals unaffected by instruments conferring independent status—Order in Council implementing committee's report a judicial order—Judicial Committee Act, 1833, s. 21—Ceylon Independence Act, 1947—Ceylon (Constitution) Order in Council, 1946, Pt. VI.
Ibralebbe v. The Queen, P.C. [1964] A.C. 900; [1964] 2 W.L.R. 76.

Citizenship

Indian and Pakistani residents

Application for registration as citizen—Inquiry by commissioner—Whether commissioner acting in semi-judicial capacity—Investigations into authenticity of document made without knowledge of applicant—Examination of witness on report not disclosed to applicant—Whether a failure to comply with principles of natural justice—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949 (as amended by Act No. 37 of 1950 and Act No. 45 of 1952), s. 15.
Shareef v. Comr. for Registration of Indian and Pakistani Residents, P.C. [1966] A.C. 47; [1965] 3 W.L.R. 704.

CEYLON—*continued.*

Citizenship—*continued.*

Indian resident

Married male Indian resident—Qualification of wife—Whether interruption of continuity of residence—Statutory requirement not satisfied.
Shanmugam v. Comr. for Registration of Indian and Pakistani Residents, P.C. [1962] A.C. 515; [1962] 3 W.L.R. 200.

Commission of Inquiry

Appointment of commissioner

Ambit of inquiry—Governor-General delegating to commissioner power to select ambit—Whether appointment valid—Commissions of Inquiry Act (Legislative Enactments of Ceylon, 1956 Rev., c. 393), ss. 2 (1), 7, 10, 11, 12—Courts Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 6), s. 47.
Ratnagopal v. Attorney-General, P.C. [1970] A.C. 974; [1969] 3 W.L.R. 1056.

Constitution

Legislation

Amendment of constitution—Act inconsistent with but not expressly amending constitution—Purported change of law—Imposition of civic disabilities on persons to whom Act applied—Member of Parliament unseated—Whether act of attainder or bill of pains and penalties—Whether usurpation of judicial or exercise of legislative power—" Amend or repeal "—" Bill for . . . amendment or repeal "—Whether constitution amended—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., vol. XI, c. 379), s. 29 (1) (4)—Imposition of Civic Disabilities (Special Provisions) Act, 1965 (No. 14 of 1965), ss. 7, 10.
Kariapper v. Wijesinha, P.C. [1968] A.C. 717; [1967] 3 W.L.R. 1460.

Whether contrary to fundamental principles of justice—Legislation ad hominem and ex post facto directed to particular criminal proceedings—Severance of powers between legislature, executive and judiciary—Whether intra vires—Ceylon Charter of Justice, 1833—Courts Ordinance, 1890—Evidence Ordinance, 1896—Colonial Laws Validity Act, 1865, ss. 2, 3—Ceylon (Constitution and Independence) Orders in Council, 1946 and 1947—Ceylon Independence Act, 1947—Criminal Law (Special Provisions) Act, No. 1 of 1962—Criminal Law Act, No. 31 of 1962.
Liyanage v. The Queen, P.C. [1967] 1 A.C. 259; [1966] 2 W.L.R. 682.

Contempt of court

Industrial Court

Statement read by counsel on instructions of client—Allegation of improbability of impartial inquiry—Calculated to bring court into disrepute—Counsel responsible for statement—Not entitled to privilege—Industrial Disputes Act, No. 43 of 1950 (as amended by No. 62 of 1957, s. 40A).
Vidyasagara v. The Queen, P.C. [1963] A.C. 589; [1963] 2 W.L.R. 1033.

Contract

Service with Crown

Contract at will and pleasure of Crown—Whether action lies for unpaid remuneration—Proclamation of 1799.
Kodeeswaran v. Attorney-General of Ceylon, P.C. [1970] A.C. 1111; [1970] 2 W.L.R. 456.

Crime

Murder

Self-defence—Burden of proof—Penal Code, 1885 (Legislative Enactments of Ceylon, 1956 Rev., c. 19), ss. 73, 89, 93, 293, 294—Evidence Ordinance, 1896 (Legislative Enactments of Ceylon, 1956 Rev., c. 14), ss. 3, 105, 106.
Jayasena v. The Queen, P.C. [1970] A.C. 618; [1970] 2 W.L.R. 448.

Criminal law

Court of Criminal Appeal

Statutory power to substitute sentence—Construction—Court of Criminal Appeal Ordinance, No. 23 of 1938, s. 6 (1).
Reg. v. Edirimanasingham, P.C. [1961] A.C. 454; [1961] 2 W.L.R. 156.

Evidence

Admissions to police officer—Admissibility—Whether a " confession "—Objective test—Whether express or inferential admission of guilt—To be considered without reference to extrinsic facts—Evidence Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 11), ss. 17 (1) (2), 25. **Anandagoda v. The Queen,** P.C. [1962] 1 W.L.R. 817.

Statement in course of investigation—Voluntary admission to police officer—Admission made when in custody but not during interrogation—Whether made " during the course of investigation "—Scope of protection—Code of Criminal Procedure (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 122.
Thambiah v. The Queen, P.C. [1965] A.C. 37; [1966] 2 W.L.R. 81.

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Criminal law—*continued.*

Evidence—*continued.*

Statements made in course of police investigation—Inadmissibility applicable to evidence of both oral and written statements and to both accused and witnesses—Statutory provision admitting evidence of fact discovered as result of statement when in police custody—Statutory provision that statements to police inadmissible—Reconciliation—Generalia specialibus non derogant—Evidence Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 11), s. 27 (1)—Code of Criminal procedure (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 122 (3).
Reg. v. Ramasamy, P.C. [1965] A.C. 1; [1964] 3 W.L.R. 632.

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Joinder of charges—Counts of house trespass as members of unlawful assembly and of house trespass individually—Separate offences—Connected acts in same transaction—Statutory provision for inclusion in one indictment—No misjoinder—Penal Code (Legislative Enactments of Ceylon, 1956 Rev., c. 19), ss. 32, 146, 434—Criminal Procedure Code (Legislative Enactments of Ceylon, 1956 Rev., c. 20), s. 180 (1).
Khan v. Ariyadasa, P.C. [1965] A.C. 1064; [1965] 2 W.L.R. 1339.

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Witness summarily sentenced—Specific falsity not disclosed—No opportunity given to answer it—Sentence quashed—Particularity of accusation—Criminal Procedure Code (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 440 (1).
Appuhamy v. The Queen, P.C. [1963] A.C. 474; [1963] 2 W.L.R. 375.

Practice

Election to be tried by English speaking jury—Trial conducted partly in Sinhala—Murder charge—Miscarriage of justice—Conviction quashed—New trial in discretion of appeal court below—Criminal Procedure Code (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 165B.
Hemapala v. The Queen, P.C. [1963] A.C. 859; [1963] 3 W.L.R. 439.

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Erroneous belief of appellate court that accused convicted on another count—Substantial increase of sentence based on erroneous belief—Infringement of essential principles of justice—Sentence quashed by Privy Council.
Dharmasena v. Inspector of Police, Kegalla, P.C. [1967] 2 A.C. 330; [1967] 3 W.L.R. 505.

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Dissolution by Minister—Exercise of power—Requirements of natural justice—Whether Minister's order a nullity or voidable—Whether voidable only at instance of party affected—Municipal Councils Ordinance, No. 29 of 1947 (Legislative Enactments of Ceylon, 1956 Rev., c. 252), s. 277.
Durayappah v. Fernando, P.C. [1967] 2 A.C. 337; [1967] 3 W.L.R. 289.

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Judicial or quasi-judicial decision of Minister—Duty to give opportunity of making representations in answering charge—Need for notice of charge—Opportunity of being heard—Minister's failure to consider the right questions—Failure to make decisions which were the requisite foundation of the Minister's order—Failure to exercise discretion—Error of law on face of record—Infringement of rules of natural justice.
Maradana Mosque Trustees v. Mahmud, P.C. [1967] 1 A.C. 13; [1966] 2 W.L.R. 921.

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Title

Death of original licensor—Licensee remaining in occupation—Whether implied re-grant—Whether new taking of possession—No physical entry—Whether licensee "came upon" land on re-grant—Whether estopped from denying title of person in possession at time of re-grant—Evidence Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 14), s. 116. **Terunnanse v. Terunnanse,** P.C. [1968] A.C. 1086; [1968] 2 W.L.R. 1125.

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Kandyan gift

Revocation—Grant of lands "as a gift irrevocable"—Whether express renunciation of the right to revoke—Whether requirements of Kandyan Law Declaration and Amendment Ordinance, 1939, complied with—Kandyan Law Declaration and Amendment Ordinance, 1939, s. 5 (1) (*d*).
Dullewe v. Dullewe, P.C. [1969] 2 A.C. 313; [1969] 2 W.L.R. 811.

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Motor car

Third party risks—Claim by injured person against insurer—Statutory right—Repeal of statute before decree against assured — Whether "right . . acquired" — Statutory limitation of insurer's liability—Motor Car Ordinance, No. 45 of 1938, ss. 128 (1) (*c*), 133 (1)—Motor Traffic Act, No. 14 of 1951—Interpretation Ordinance, 1900 (c. 2), s. 6 (3). **Free Lanka Insurance Co. Ltd. v. Ranasinghe,** P.C. [1964] A.C. 541; [1964] 1 W.L.R. 66.

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Labour tribunal

Appointment of personnel

Person appointed by Public Service Commission to act on application for relief by dismissed workman—Whether labour tribunal "judicial officer"—Whether necessity for appointment by Judicial Service Commission—Whether qualifications of judges of superior or other courts desirable in labour tribunal presidents—Powers and duties on application for relief by dismissed workman—Whether function judicial or administrative—Whether differing from arbitrator's, industrial court's or labour tribunal's on reference—Whether labour tribunal restricted to giving effect to legal rights or required to act apparently justly and equitably—Whether created as part of machinery for preventing and settling industrial disputes—Whether created in substitution for or alternative to ordinary courts—Order for reinstatement of dismissed workman—Whether valid—Industrial Disputes Act, No. 43 of 1950 (Legislative Enactments of Ceylon, 1956 Rev., c. 131), as amended by Industrial Disputes (Amendment) Act, No. 62 of 1957, ss. 15A, 17, 19, 22 (4), 24 (1), 26, 31A, 31B, 31C, 31D, 33 (1), 39, 48—Industrial Disputes Regulations, 1958 (Ceylon Government Gazette Extraordinary, No. 11688 of March 2, 1959), reg. 10 (2)—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., c. 379), ss. 3, 52, 53, 55, 56, 57, 58, 60—Courts Ordinance, No. 1 of 1889 (Legislative Enactments of Ceylon, 1956 Rev., c. 6), s. 3—Civil Procedure Code (Legislative Enactments of Ceylon, 1956 Rev., c. 101), ss. 5, 6.
United Engineering Workers' Union v. Devanayagam, P.C. [1968] A.C. 356; [1967] 3 W.L.R. 461.

Land

Fidei commissum

Gift—Divesting—Principles applicable to creation of a valid fidei commissum—Whether a condition against alienation by donee inter vivos or by will defeated a fidei commissum—Whether donor's reservation of the right to alienate or revoke gift contrary to intention to create a fidei commissum—Whether bona fide purchaser for value entitled to compensation—"Mudusom"—(Jaffna) Matrimonial Rights and Inheritance Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 58)
Kanayson v. Rasiah, P.C. [1968] A.C. 746; [1967] 3 W.L.R. 1447.

Gift of undivided share—Subject to fidei commissum—Partition—Fidei commissum thereafter attaching to land allotted in severalty—Partition Ordinance, 1863, s. 9—Inapplicable to rights of fidei commissarii.
Nadesan v. Ramasamy, P.C. [1961] A.C. 763; [1961] 2 W.L.R. 940.

Partition

Partition proceedings—Land held in co-ownership—Interlocutory decree for sale—Life interest in undivided part of the land sold—Power of the court to order the sale of the land subject to the life interest—Whether encumbrances continuing to bind the land—Partition Act, No. 16 of 1951 (Legislative Enactments of Ceylon, 1956 Rev., c. 69), ss. 2, 4, 5 (*a*) (i), 16 (2), 18, 25, 26, 46, 47, 48 (1), 50, 51, 54.
Ceylon Theatres Ltd. v. Cinemas Ltd., P.C. [1968] A.C. 792; [1968] 2 W.L.R. 1114.

Licensing

Cinema

Refusal of licence—Damages claim—Against chairman of local authority individually—Statutory personal responsibility—Action maintainable—Infringement of antecedent legal right not essential to found action in delict—Suit remitted for trial.
David v. Abdul Cader, P.C. [1963] 1 W.L.R. 834.

Marriage

Validity

Christian monogamous marriage under Marriage Registration Ordinance—Separation of parties—Husband subsequently converted to Muslim faith—Polygamous marriage under Muslim Marriage and Divorce Act while first marriage subsisting—Personal law applicable—Polygamous marriage valid—Conviction of bigamy rightly quashed—Penal Code of Ceylon, s. 362B.
Attorney-General of Ceylon v. Reid, P.C. [1965] A.C. 720; [1965] 2 W.L.R. 671.

Registration. **Mahadervan v. Mahadervan,** Divl.Ct. [1964] P. 233; [1963] 2 W.L.R. 271.

Master and servant

University teacher

Status—Servant of university—Summary dismissal—No opportunity to be heard in own defence—Certiorari inapplicable—Vidyodaya University and Vidyalankara University Act, No. 45 of 1958, s. 18 (*e*).
Vidyodaya University Council v. Silva, P.C. [1965] 1 W.L.R. 77.

Mortgage

Enforcement of

Hypothecary action—Mortgage of movable property to bank—Mortgage bond containing personal covenant to repay—Subsequent bond giving additional security for debt by mortgage of immovable property—Action to enforce mortgage brought on second bond maintainable—First bond not an essential part of cause of action—Production as evidence of proof of debt.
Bank of Ceylon v. Chelliahpillai, P.C. [1962] A.C. 314; [1962] 2 W.L.R. 882.

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Parliament

Bribery of member of

Whether member acting "in his capacity as such member"—Scope of inquiry—Consideration of contemporary constitutional conventions and practices—Bribery Act (Ceylon), No. 11 of 1954 (as amended by the Bribery (Amendment) Act, No. 17 of 1956), s. 14 (*a*).

Attorney-General of Ceylon v. de Livera, P.C. [1963] A.C. 103; [1962] 3 W.L.R. 1413.

Constitution

Amendment—Bribery Tribunal—Personnel, constitutional validity of—Appointed under Bribery Amendment Act—Judicial officers—Conflict of appointing authority between Act and Constitution—Act not passed in compliance with constitutional legislative procedure—Invalid and ultra vires—Orders of tribunal null and inoperative—Bribery (Amendment) Act, No. 40 of 1958, ss. 41, 42—Ceylon (Constitution) Order in Council, 1946, ss. 29 (1) (4), 55.

Bribery Comr. v. Ranasinghe, P.C. [1965] A.C. 172; [1964] 2 W.L.R. 1301.

Jurisdiction

Whether able to assume and exercise judicial power in one law.

Kariapper v. Wijesinha, P.C. [1968] A.C. 717; [1967] 3 W.L.R. 1460.

Partnership

Dissolution

Continuation of business afterwards—Continuation by one partner alone—Use of partnership assets and other partner's capital and share profits—Continuing partner's liability to account for profits after dissolution.

Pathirana v. Pathirana, P.C. [1967] 1 A.C. 233; [1966] 3 W.L.R. 666.

Police officer

Compulsory retirement

Competent authority to order—Concurrent jurisdiction—Powers of Public Service Commission—Public Service Regulations, 1947 (made under section 87 (1) of the Ceylon (Constitutional) Order in Council, 1946), reg. 63—Rules of 1949 (made under section 2 of the Public and Judicial Officers (Retirement) Ordinance, 1910) (Legislative Enactments of Ceylon, 1938 Rev., c. 253), rr. 2 (1), 5.

De Zoysa v. Public Service Commission, P.C. [1963] 1 W.L.R. 262.

Practice

Appeal

Security for costs—Non-compliance with statutory requirements—Abatement of appeal—Statutory discretion to grant relief—In respect of "any" mistake, omission or defect—Notice of security to be lodged "forthwith"—Meaning of "forthwith"—Civil Procedure Code (Legislative Enactments of Ceylon, 1956 Rev., c. 101), ss. 356, 756 (1) (3).

Sameen v. Abeyewickrema, P.C. [1963] A.C. 597; [1963] 2 W.L.R. 1114.

Revenue

Income tax

Business — Legal expenses incurred in contesting ownership of — Whether permissible deduction in ascertaining profits of business—Income Tax Ordinance (Ceylon), c. 188 (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 9 (1), 10 (*b*).

Inland Revenue Comr. v. Appuhamy, P.C. [1963] A.C. 127; [1962] 3 W.L.R. 1425.

Commissioner imposing penalty for incorrect tax return—Appeal to Board of Review—Whether Board of Review exercising judicial function or administrative function—Whether members of Board of Review "servants of the Crown" — Income Tax Ordinance, 1932 (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 11 (1) (*a*) (7), 15, 36 (1), 37, 43 (3), 56, 73, 74, 75, 76, 77, 78—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., c. 379), s. 3—Crown Proceedings Act, 1947, s. 2 (5).

Ranaweera v. Ramachandran, P.C. [1970] A.C. 962; [1970] 2 W.L.R. 500.

————————————————————Whether exercising judicial or administrative function—Income Tax Ordinance, 1932 (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 2, 3, 23, 58, 73, 80, 90, 91, 92—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., c. 379), arts. 3, 53, 55, 58, 60. **Ranaweera v. Wickramasinghe,** P.C. [1970] A.C. 951, [1970] 2 W.L.R. 491.

Double taxation relief—Non-resident company—Additional taxation introduced—Whether additional tax excluded by double taxation relief agreement—Whether company liable to pay—Double Taxation Relief (Taxes on Income) (Ceylon) Order 1950, arts. VI, XVIII—Income Tax (Amendment) Act, ss. 53B (1) 53C (1).

Woodend (K. V. Ceylon) Rubber and Tea Co. Ltd. v. Comr. of Inland Revenue, P.C. [1970] 3 W.L.R. 10.

Exemption—Trust—Whether public charitable or family trust—Decision granting exemption—Revenue not estopped from challenging exemption in subsequent years—Ceylon Income Tax Ordinance (No. 2 of 1932, as amended), s. 7 (1) (*c*).

Caffoor v. Income Tax Comr., P.C. [1961] A.C. 584; [1961] 2 W.L.R. 794.

CEYLON—*continued.*

Revenue—*continued.*

Income tax—continued.

Profits of trade—Purchase of land—Retention by purchaser of part for own purposes—Sale of balance in plots—" Adventure . . . in the nature of trade "—Profit on part retained taxable—Income Tax Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 2, 5, 6. **Iswera v. Inland Revenue Comr.,** P.C. [1965] 1 W.L.R. 663.

Roman-Dutch law. *See* ROMAN-DUTCH LAW.

Shipping

Bill of lading

Prima facie evidence of receipt of goods—Rebuttal—Inference from facts of contents of short delivered packages—(Indian) Carriage of Goods by Sea Act, 1925, Sch., art. III, rr. 3, 4. **Attorney-General of Ceylon v. Scindia Steam Navigation Co. Ltd.,** P.C. [1962] A.C. 60; [1961] 3 W.L.R. 936.

Statute

Retrospective effect

Fiscal and penal—Amending legislation—Whether necessary expressly to adapt the existing machinery of the original enactment to the new conditions created by the amending legislation—Whether oil tax retrospectively due—Heavy Oil Motor Vehicles Taxation Ordinance, No. 56 of 1935 (Legislative Enactments of Ceylon, 1956 Rev., c. 249), s. 2—Heavy Oil Motor Vehicles Taxation (Amendment) Act, No. 20 of 1961. **Wijesuriya v. Amit,** P.C. [1966] A.C. 372; [1966] 2 W.L.R. 385.

Supreme Court

Jurisdiction

Mandate in nature of writ of certiorari—Collector of Customs' decision that a prima facie offence committed—Collector's election between imposition of forfeiture or penalty—Whether collector's decision quasi-judicial—Customs Ordinance, 1870 (Legislative Enactments of Ceylon, 1956 Rev., c. 235), ss. 130, 145, 163. **Jayawardane v. Silva,** P.C. [1970] 1 W.L.R. 1365.

Mandate in nature of writ of mandamus—Application by Member of Parliament unseated by legislation—Whether procedure appropriate. **Kariapper v. Wijesinha,** P.C. [1968] A.C. 717; [1967] 3 W.L.R. 1460.

Thesawalamai

Land

Pre-emption—Two equal co-owners of land—Sale by one of his half-share to stranger—No prior notice to co-owner—Action to enforce right of pre-emption—Time of accrual—Date of knowledge of sale—Pre-emptor not required to prove financial ability and intention to purchase at date of sale—Whether knowledge of natural guardian imputed to minor. **Mangaleswari v. Selvadurai,** P.C. [1961] A.C. 605; [1961] 2 W.L.R. 813.

Purported sale by wife of lunatic husband—Statutory consent of court—Nature of order—Limited to specific transaction—Sham sale—Laesio enormis—Jaffna Matrimonial Rights and Inheritance Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 58), ss. 6, 8. **Ponnupillai v. Kumaravetpillai,** P.C. [1964] A.C. 155; [1963] 3 W.L.R. 501.

Trust

Wakf

Appointment of trustee—Statutory requirement that board shall " have regard " to certain specified matters—Board left with ultimate discretion in the appointment of trustee—Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956 (amended by Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act (No. 21 of 1962), s. 14 (1)). **Ishak v. Thowfeek,** P.C. [1968] 1 W.L.R. 1718.

Will

Construction

Fidei-commissum—Bequest to child of testator—" Si sine liberis decesserit " clause—Whether creating fidei-commissum in favour of child's children. **Peiris v. Appu,** P.C. [1968] A.C. 869; [1968] 2 W.L.R. 1367.

CHAMBERS. *See* OPEN COURT; PRACTICE.

CHANNEL ISLANDS

United Kingdom, whether part of

Marine insurance policy

Craft insured " whilst within the United Kingdom "—" United Kingdom "—Meaning—Interpretation Act, 1889, s. 18 (1). **Navigators and General Insurance Co. Ltd. v. Ringrose,** C.A. [1962] 1 W.L.R. 173.

CHARITY. (*See also* Revenue (**Income tax**).)

Aged, impotent and poor

Homes

Gift of house as home for aged—Maintenance fund—Inadequate to provide food, care and attention—Practicability of gift—Whether accommodation rent free sufficient "home" for aged—Whether trust invalid because fund inadequate to provide food, care and attention. *In re* **Payling's Will Trusts,** Buckley J. [1969] 1 W.L.R. 1595.

Animals, for

Animal hospitals

Gift to—Whether charitable.
In re **Satterthwaite's Will Trusts,** C.A. [1966] 1 W.L.R. 277.

Gifts for animal institutions

Gift for procuring prohibition of vivisection—Gift for promotion of Act of Parliament prohibiting vivisection—Whether charitable gift.
In re **Jenkins's Will Trusts,** Buckley J. [1966] Ch. 249; [1966] 2 W.L.R. 615.

Class, gift for limited

Bequest for purposes of private hospital

Substantial fees charged but poor sick not excluded—Whether necessary that trust be limited for relief of poor sick—Test of public benefit—Indirect as well as direct benefit to be taken into account—Whether need existing for services provided by such hospital—Whether valid charitable gift.
In re **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

Commercial education

Limited class. **George Drexler Ofrex Foundation Trustees v. Inland Revenue Comrs.,** Cross J. [1966] Ch. 675; [1965] 3 W.L.R. 1168.

Education

Limited primarily to members of donor's family—Whether of public character solely for charitable purposes—Family trust—Ceylon Income Tax Ordinance (No. 2 of 1932, as amended), s. 7 (1) (*c*).
Caffoor v. Income Tax Comr., P.C. [1961] A.C. 584; [1961] 2 W.L.R. 794.

Religious discrimination

Exclusion of members of Jewish and Roman Catholic faiths—Gift to found medical studentships—Whether valid charitable trust—Whether void for uncertainty—Whether contrary to public policy—Paramount charitable intention—Whether religious discrimination essential part of intention—Gift conditional on nominated trustees accepting office—Trustees unable to accept provision for religious discrimination—Whether court should order scheme without element of discrimination.
In re **Lysaght, decd.,** Buckley J. [1966] Ch. 191; [1965] 3 W.L.R. 391.

Trade union, members of

Sanatorium, convalescent home and home for aged members—Management by trustees under executive council of union—Large proportion of funds provided by union—Admission restricted to members of union—Whether trust charitable.
In re **Mead's Trust Deed,** Cross J. [1961] 1 W.L.R. 1244.

Cremation

Society to encourage cremation

Charges for services—Whether premises occupied for charitable purposes—Charitable Uses Act, 1601, Preamble. **Scottish Burial Reform and Cremation Society Ltd. v. Glasgow Corpn.,** H.L.(Sc.) [1968] A.C. 138; [1967] 3 W.L.R. 1132.

Cy-près doctrine

Gift by will to named charity

Charity liable to termination—Provision for disposal of funds on termination—Gift to charitable corporation—Charity discontinued during testator's lifetime—Assets transferred to another charity—No general charitable intention—Lapse.
In re **Stemson's Will Trusts,** Plowman J. [1970] Ch. 16; [1969] 3 W.L.R. 21.

Gift to discontinued charity

Hospital—Testamentary gift to closed hospital—Hospital run by Australian Red Cross—No trust or endowment belonging to hospital—Whether gift lapsed.
In re **Slatter's Will Trusts,** Plowman J. [1964] Ch. 512; [1964] 3 W.L.R. 18.

Will—Charity specified by name and address—Discontinued during testatrix's lifetime—Assets transferred to another charity for original purposes of transferor and general purposes of transferee charity—Whether gift failed.
In re **Roberts, decd.,** Wilberforce J. [1963] 1 W.L.R. 406.

CHARITY—*continued.*

Cy-près doctrine—*continued.*

Impracticability of part of intention

Gift to found medical studentships—Members of Jewish and Roman Catholic faiths excluded as beneficiaries—Paramount intention to found charitable trust conditional on nominated trustees accepting office—Trustees not willing to accept provision for religious discrimination—Whether charitable intention defeated—Power of court to order scheme without religious discrimination.
In re **Lysaght, decd.,** Buckley J. [1966] Ch. 191; [1965] 3 W.L.R. 391.

Practice

Failure of charitable purpose for which fund intended—Resulting trust for donors—"Reasonable" advertisements and inquiries for donors—Charities Act, 1960, s. 14.
In re **Henry Wood National Memorial Trust (Practice Note),** Stamp J. [1966] 1 W.L.R. 1601.

Residuary bequest

General charitable intent—Bequest to animal charities—Failure of two of nine gifts—Scheme cy-près. *In re* **Satterthwaite's Will Trusts,** C.A. [1966] 1 W.L.R. 277.

——————————Number of gifts for charitable purposes—Non-charitable gift having close relation to purposes of charitable gifts—Whether general charitable intention.
In re **Jenkins's Will Trusts,** Buckley J. [1966] Ch. 249; [1966] 2 W.L.R. 615.

Education

Art

Gift to National Trust of studio with contents intact as a museum—Admissibility of expert evidence on aesthetic values to determine whether gift of educational character or for public benefit—Whether valid charitable gift—Standard of values and taste applicable.
In re **Pinion, decd.,** Wilberforce J. [1965] Ch. 85; [1963] 3 W.L.R. 778.
C.A. [1965] Ch. 85; [1964] 2 W.L.R. 919.

Fee paying school

Charitable purposes—Northern Ireland—Rating—Exemption.
Campbell College, Belfast (Governors) v. Northern Ireland Valuation Comr., H.L.(N.I.) [1964] 1 W.L.R. 912.

"*For charitable purposes*"

Whether charitable—Commercial methods abroad.
George Drexler Ofrex Foundation Trustees v. Inland Revenue Comrs., Cross J. [1966] Ch. 675; [1965] 3 W.L.R. 1168.

Literature

Bequest to be applied "toward finding the Bacon-Shakespeare manuscripts"—Whether valid charitable trust.
In re **Hopkins' Will Trusts,** Wilberforce J. [1965] Ch. 669; [1964] 3 W.L.R. 840.

"*Trust for charitable purposes only*"

Advancement of education of "all . . . persons . . . likely to benefit"—Preference given to private class—Whether ultra vires.
Inland Revenue Comrs. v. Educational Grants Association Ltd., Pennycuick J. [1967] Ch. 123; [1966] 3 W.L.R. 724.
C.A. [1967] Ch. 993; [1967] 3 W.L.R. 41.

Enforcement

Local education authority

Whether competent to institute proceedings—"Charity proceedings"—Charities Act, 1960, s. 28. *In re* **Belling, decd.,** Pennycuick J. [1967] Ch. 425; [1967] 2 W.L.R. 382.

Ex gratia payments by

Power to make

Charitable funds increased beyond testator's intention—Increase at expense of specific or pecuniary legatees—Whether charity trustees under moral obligation to specific legatees—Whether Attorney-General or court can allow payments—Procedure to be adopted.
In re **Snowden, decd.,** Cross J. [1970] Ch. 700; [1969] 3 W.L.R. 273.

Health

Hospital

Bequest for purposes of private hospital run by Sisters of Charity—No evidence of profits for individuals but substantial fees charged—Provision of a certain type of medical care and accommodation—Whether activities of Sisters in regard to their general property a material consideration—Validity.
In re **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

Trust for "hospital and/or hospitals and/or charitable institutions"—Whether charitable.
In re **Smith, decd.,** Wilberforce J. [1961] 1 W.L.R. 1387.
C.A. [1962] 1 W.L.R. 763.

House to house collections

Charitable purpose

Inducing purchase—Purchase induced by representation that part of proceeds would go to charitable purpose—Whether a "collection"—House to House Collections Act, 1939, s. 11 (1) (2). **Carasu Ltd. v. Smith,** Divl.Ct. [1968] 2 Q.B. 383; [1968] 2 W.L.R. 1354.

CHARITY—*continued.*

Imperfect trust provisions

Discretion to apply to charitable institutions

Money paid to trustee inter vivos—Trustee given some directions in writing, others orally—Memorandum by trustee stating settlor's wishes with list of charities to be benefited, at trustee's discretion, annexed—List containing charities suggested either by trustee or settlor up to date of her death—Death of trustee—Whether memorandum admissible under Evidence Act, 1938—Whether purported gifts to trustee as beneficiary and to named charities valid—Whether gift to charity generally intended—Evidence Act, 1938, ss. 1, 2—Law of Property Act, 1925, s. 53 (1) (*c*).
In re **Tyler**, Pennycuick J. [1967] 1 W.L.R. 1269.

Discretion to apply to charitable objects

National home for trade union members—Trustees empowered to make regulations dealing with qualification for admission—Whether validated by Charitable Trusts (Validation) Act, 1954, s. 1.
In re **Mead's Trust Deed**, Cross J. [1962] Ch. 78; [1961] 1 W.L.R. 1244.

Impossibility of performing trusts. See **Cy-près doctrine**; TRUSTS.

Meaning of objects

Armed forces associations—Residuary gift to " institutions and associations having for their main object the assistance and care " of wounded or incapacitated servicemen—Gift for division between charitable and non-charitable or not wholly charitable associations—Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (1) (2), 2 (1).
In re **Harpur's Will Trusts**, C.A. [1962] Ch. 78; [1961] 3 W.L.R. 924.

No exclusively charitable object

" Benevolent or welfare fund "—Bequest of fund as benevolent or welfare fund or for welfare purposes for benefit of employees of company—Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (1), 2 (1).
In re **Wykes, decd.**, Buckley J. [1961] Ch. 229; [1961] 2 W.L.R. 115.

Objects not exclusively charitable

Gift of residuary estate to trustees with powers and trusts in favour of beneficiaries or some of them—Class of beneficiaries defined to include clearly charitable objects but also " such other organisation or body not being registered as a charity but in the opinion of my trustees as having charitable objects "—Whether void for uncertainty or otherwise—Distinction between validity of a power and of a trust in such circumstances.
In re **Wootton, decd.**, Pennycuick J. [1968] 1 W.L.R. 681.

Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (1), 2 (1).
Buxton v. Public Trustee, Plowman J. (1962) 41 T.C. 235.

Private discretionary trust

No charitable intention—Whether validated by Charitable Trusts (Validation) Act, 1954, s. 1. *In re* **Saxone Shoe Co. Ltd.'s Trust Deed**, Cross J. [1962] 1 W.L.R. 943.

Regimental gift

Whether validated by Charitable Trusts (Validation) Act, 1954, ss. 1 (2), 2 (3), 3 (1) (2) (3).
In re **Chitty's Will Trusts**, Buckley J. [1970] Ch. 254; [1969] 3 W.L.R. 643.

Income tax. *See* REVENUE.

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Common investment scheme

Permitted investments for common investment pool—Extension beyond statutory range—Jurisdiction to authorise joining scheme on behalf of other charitable trusts administered by same trustees—Whether application by " two or more charities "—Charities Act, 1960, s. 22 (2)—Trustee Investments Act, 1961.
In re **London University's Charitable Trusts**, Wilberforce J. [1964] Ch. 282; [1963] 3 W.L.R. 1031.

Trustees' power

Investment under rule and regulation made under charter—Whether trustees restricted to trustee investments or having unlimited powers of investment—Whether alteration of rule and regulation could be effected without alteration of charter.
Soldiers', Sailors' and Airmen's Families Association v. Attorney-General, Cross J. [1968] 1 W.L.R. 313.

Object, charitable

House, use of

Church officer's house—Rateable occupation by church—Whether use of house " wholly or mainly for charitable purposes."
Glasgow Corpn. v. Johnstone, H.L.(Sc.) [1965] A.C. 609; [1965] 2 W.L.R. 657.

CHARITY—*continued.*

Perpetuity rule. *See* PERPETUITY RULE.

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Recreation

Holidays

Miners' welfare holiday camp—Public benefit—Recreational Charities Act, 1958, s. 1 (1), proviso.
Wynn v. Skegness Urban District Council, Ungoed-Thomas J. [1967] 1 W.L.R. 52.

Religion

Church officer's house

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Glasgow Corpn. v. Johnstone, H.L.(Sc.) [1965] A.C. 609; [1965] 2 W.L.R. 657.

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Group without written constitution—Religious work for general public benefit—Will—Residuary gift—Community house—Community of men and women who had taken no specific vows—Whether valid charitable gift—Whether void for perpetuity or uncertainty.
In re **Banfield, decd.,** Goff J. [1968] 1 W.L.R. 846.

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Synagogue—Bought by members—Whether held on charitable trust
Neville Estates Ltd. v. Madden, Cross J. [1962] Ch. 832; [1961] 3 W.L.R. 999.

Seamen

Registered charity—Work carried on in hereditament within objects—Whether hereditament used for charitable purposes—Seamen's Mission—Ministering to spiritual needs of seamen and families—Promotion of social and moral welfare of seamen, particularly in port—Defined beneficial area—Whether benefit to community—Whether beneficiaries a fluctuating body of individuals—Whether a charity—Charities Act, 1960, ss. 5, 45, 46—Rating and Valuation Act, 1961, s. 11 (1) (9).
Finch v. Poplar Borough Council, Goff J. (1967) 66 L.G.R. 324.

Sale of trust property

Mixed charity

Synagogue—Building fund subscribed to by members—Purchase of house—New building fund—Compulsory levy on members—Purchase of plots of land—Whether maintained partly by voluntary contributions and partly by income from endowment—Whether consent of Charity Commissioners required to sale of land—Charitable Trusts Act, 1853, s. 62. **Neville Estates Ltd. v. Madden,** Cross J. [1962] Ch. 832; [1961] 3 W.L.R. 999.

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CHATTEL. (*See also* POSSESSION.)

Chattel found on land

Ownership

Bank notes found in chimney flue—Evidence of ownership in previous owner of house—Whether transfer of ownership in bank notes by conveyance of house—Law of Property Act, 1925, s. 62.
Moffatt v. Kazana, Wrangham J. [1969] 2 Q.B. 152; [1969] 2 W.L.R. 71.

Bank-notes found in wall safe on building site—True owner unknown—Whether right to possession in finders or in persons in possession of land.
City of London Corpn. v. Appleyard, McNair J. [1963] 1 W.L.R. 982.

Fixture

Coal tip

Whether realty. **Ryan Industrial Fuels Ltd. v. Morgan,** C.A. [1965] 1 W.L.R. 1347.

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Building preservation order. **Corthorn Land & Timber Co. Ltd. v. Minister of Housing and Local Government,** Russell L.J. (1965) 63 L.G.R. 490.

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Quicquid plantatur solo, solo cedit—Right to lay and maintain drains—Whether pipe part of freehold—Whether vesting in owner of adjoining land—Whether adjoining owner entitled to exclusive use of pipe.
Simmons v. Midford, Buckley J. [1969] 2 Ch. 415; [1969] 3 W.L.R. 168.

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Old lead workings—Dumps, formerly worthless, overgrown.
Rogers v. Longsdon, Stamp J. [1967] Ch. 93; [1966] 2 W.L.R. 861.

CHATTEL—*continued.*

Lease

Forfeiture

Relief—Equitable jurisdiction.
Barton Thompson & Co. Ltd. v. Stapling Machines Co., Pennycuick J. [1966] Ch. 499; [1966] 2 W.L.R. 1429.

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Pledgee's constructive possession

Warehousemen holding goods—Pledgee's delivery order "All charges account goods"—Effect—Whether implied undertaking to effect delivery—Whether mere authority to warehousemen to release chattels.
Alicia Hosiery Ltd. v. Brown Shipley & Co. Ltd., Donaldson J. [1970] 1 Q.B. 195; [1969] 2 W.L.R. 1268.

Possessory title

Police (Property) Act

Effect of order—Banknotes found in plaintiff's possession—Claim to notes by bank—Order by magistrates in bank's favour—Action by plaintiff for notes—Burden of proof of title—Police (Property) Act, 1897, s. 1.
Irving v. National Provincial Bank Ltd., C.A. [1962] 2 Q.B. 73; [1962] 2 W.L.R. 503.

CHILDREN AND YOUNG PERSONS. (*See also* ADOPTION; FAMILY PROVISION; INFANT; NEGLIGENCE; OCCUPIERS' LIABILITY; WILL.)

Adoption. *See* ADOPTION.

Care of

Child received into care by local authority

Child boarded out under statutory agreement—Desire of mother to have care of child—Child made ward of court on summons issued by foster parents—Local authority's proposal to remove child to residential school—Application by foster parents for care and control of child—Jurisdiction of court—Children Act, 1948, s. 1 (1) (3).
In re **S. (An Infant)**, Pennycuick J. [1965] 1 W.L.R. 94; C.A. [1965] 1 W.L.R. 483.

————————Refusal of foster-mother to deliver up child to local authority—Child made a ward of court on summons issued by foster-mother—Jurisdiction of Chancery Division to consider welfare of child—Children Act, 1948, ss. 1, 2, 13—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9.
In re **M. (An Infant)**, C.A. [1961] Ch. 328; [1961] 2 W.L.R. 350.

Child made ward of court by putative father—Mother and putative father of Moslem religion—Mother resident in United Kingdom—Putative father resident and domiciled in South Africa—Putative father's wish to bring child up in Moslem faith in own community—Desire to take over care of child and to take out of the jurisdiction—Summons by local authority that child cease to be ward of court—Mother's wish that arrangements be undisturbed or to take over care of the child—Local authority satisfied welfare of child requiring him to stay in their care—Whether duty on local authority to endeavour to secure that child be taken over by mother or putative father—Whether court's parental jurisdiction could be usefully employed—Children Act, 1948, ss. 1, 12 (1).
In re **C. (A.) (An Infant)**, Buckley J. [1966] 1 W.L.R. 415.

Child placed with foster parents—Desire of mother to take over care of child notified to local authority—Effect of notice—Determination of local authority's power to keep child—Child made ward of court on application by local authority and foster parents—Court's jurisdiction to make interim order for care and control of child—Mother's application that child cease to be ward of court—Children Act, 1948, s. 1 (3).
In re **R. (K.) (An Infant)**, Pennycuick J. [1964] Ch. 455; [1963] 3 W.L.R. 992.

————————Girl of 14—Father's request for return of child to his care granted by local authority—Child's refusal to return—Whether local authority under absolute duty to return child to father's care—Whether power in court to order local authority to return child—Children Act, 1948, s. 1 (3).
Krishnan v. Sutton London Borough Council, Goff J. and C.A. [1970] Ch. 781; [1969] 3 W.L.R. 683.

Illegitimate child placed for adoption at mother's request—Mother's claim to have child restored—Child made ward of court by foster parents—Rights of unimpeachable mother—Whether mother's wishes and child's welfare conflicted—Guardianship of Infants Act, 1925, s. 1. *In re* **R. (M.) (An Infant)**, Plowman J. [1966] 1 W.L.R. 1527.

Parents separated—Wardship proceedings—Relationship between prerogative jurisdiction and duties of local authority—Children Act, 1948, s. 1.
In re **G. (Infants)**, Ungoed-Thomas J. [1963] 1 W.L.R. 1169.

CHILDREN AND YOUNG PERSONS—*continued.*

Care of—*continued.*

Exposure to moral danger

Wife aged 13 validly married to man aged 26—Matrimonial cohabitation—Whether exposure to moral danger—Children and Young Persons Act, 1963, s. 2 (1) (2) (*a*).
Alhaji Mohamed v. Knott, Divl.Ct. [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446.

Fit persons order in favour of local authority

Child boarded out with foster parents—Local authority desirous of returning child to natural mother—Child made ward of court by foster parents—Application by foster parents for care and control of child refused—Jurisdiction of Chancery Division—Authority's discretion—Improper exercise alleged—Grounds and facts relied upon to be stated on affidavit—Children and Young Persons Act, 1933, ss. 62 (1) (*b*), 76 (1).
In re **T. (A. J. J.) (An Infant),**
Ungoed-Thomas J. [1970] Ch. 336; [1970] 2 W.L.R. 433.
C.A. [1970] Ch. 688; [1970] 3 W.L.R. 315.

Order committing to local authority

Matrimonial order—Children committed to care of local authority—Local authority not informed of intention to commit—Validity of order—Whether certiorari will issue to quash part of order—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, ss. 1 (1), 2 (1), 3 (1)—Magistrates' Courts (Matrimonial Proceedings) Rules, 1960, r. 1.
Reg. v. Falmouth Justices, *Ex parte* **Palmer,** Divl.Ct. (1963) 61 L.G.R. 179.

Wife validly married to her husband—Whether power to make fit person order—Children and Young Persons Act, 1933, s. 62.
Alhaji Mohamed v. Knott, Divl.Ct. [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446.

Parents' rights

Child alleged by local authority to be in need of care or protection—Evidence that child falling into bad associations or exposed to moral danger—Whether proof that not receiving such care, protection and guidance as good parent might reasonably be expected to give—Submission of no case to answer—Whether justices should hear evidence of parents—Children and Young Persons Act, 1933, s. 62 (1)—Children and Young Persons Act, 1963, s. 2 (1) (2).
In re **An Infant (Care or Protection),** Divl.Ct. (1965) 63 L.G.R. 338.

" Foster child "

Care and maintenance for more than one month

Agreement to undertake child's care and maintenance for indefinite period—Child returning to parents at week-ends—Child with foster parents less than 28 successive days—Whether care and maintenance undertaken for " period exceeding one month " —Whether proposal to maintain as foster child—" Undertaken "—" Proposes to maintain as a foster child "—Children Act, 1958, ss. 2 (1) (3) (*a*), 3 (1).
Surrey County Council v. Battersby, Divl.Ct. [1965] 2 Q.B. 194; [1965] 2 W.L.R. 378.

Offences against

Assault occasioning actual bodily harm

Sentence of three years' imprisonment—Two years' maximum under Children and Young Persons Act, 1933—Irrelevant—Sentence appropriate in circumstances.
Reg. v. Beanland, C.A. (1970) 54 Cr.App.R. 289.

Child under age of 16

Person over age of 16 having custody, charge or care—Parents charged—Whether section 1 of Act of 1933 self-contained code exhaustive of liabilities of accused parent—Offence triable summarily or on indictment—Election of jury trial—Whether additional counts possible in indictment—Addition of counts of causing grievous bodily harm with intent and inflicting grievous bodily harm—Whether indictment quashable—Offences against the Person Act, 1861, ss. 18, 20—Children and Young Persons Act, 1933, s. 1 (as amended by Children and Young Persons Act, 1963, ss. 31, 64, Schs. 3, 5)—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2) (i)—Magistrates' Courts Act, 1952, s. 25 (as amended by Sexual Offences Act, 1956, s. 37, Sch. 3).
Reg. v. Roe, C.A. [1967] 1 W.L.R. 634.

Wilful ill-treatment—" Ill-treats, neglects, abandons, or exposes "—Whether separate offences—Neglect—Whether capable of amounting to " ill-treats "—Children and Young Persons Act, 1933, s. 1 (1).
Reg. v. Hayles, C.A. [1969] 1 Q.B. 364; [1968] 3 W.L.R. 1106.

Correction of children

Immigrant parents—Charges of assault—Relevance of different standards.
Reg. v. Derriviere, C.A. (1969) 53 Cr.App.R. 637.

Sentence for offence

Detention order

Defendant under 17—Committal to quarter sessions for sentence—Detention centre unavailable for reception of persons under 17—Remand until age of 17 attained—Whether power to order detention—Criminal Justice Act, 1948, s. 20 (5) (*a*) (ii).
Reg. v. Hammond, C.C.A. [1963] 2 Q.B. 450; [1963] 2 W.L.R. 1270.

——————Period of detention to be determinate—Children and Young Persons Act, 1933, s. 53 (2).
Reg. v. McCauliffe, C.A. (1970) 54 Cr.App.R. 516.

CHILDREN AND YOUNG PERSONS—*continued.*

Sentence for offence—*continued.*

Homicide

Conviction of manslaughter on plea of diminished responsibility—Detention for life—Whether detention for "period . . . specified in the sentence"—Children and Young Persons Act, 1933, s. 53 (1) (as amended) (2).
Reg. v. Abbott, C.C.A. [1964] 1 Q.B. 489; [1963] 2 W.L.R. 1011.

Imprisonment

Students under 21—Contempt of court by disturbance during civil trial—Imprisonment for three months—Whether lawful—Criminal Justice Act, 1948, s. 17 (2).
Morris v. Crown Office, C.A. [1970] 2 Q.B. 114; [1970] 2 W.L.R. 792.

CHOSE IN ACTION. *See* CONFLICT OF LAWS.

CIRCUITY OF ACTION

Avoiding

Equity

Power of advancement—Power to advance cash—Advancement of land approved.
In re **Collard's Will Trusts,** Buckley J. [1961] Ch. 293; [1961] 2 W.L.R. 415.

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CLAYTON'S CASE, RULE IN. *See* DEBT (**Discharge**).

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CLUB. (*See also* GAMING.)

Members' club

Applicability of Trade Descriptions Act, 1968. See SALE OF GOODS (**Trade description**).

Property ownership

Trustees holding property on trust for club members—No express power to alter rules—Change to different type of club—Members of new club virtually the same as members of old—Whether old club ceasing to function—Whether property held on trust for members of old or new club.
Abbatt v. Treasury Solicitor, Pennycuick J. [1969] 1 W.L.R. 561.
C.A. [1969] 1 W.L.R. 1575.

Ratepayers' association

Membership

Rules as to eligibility for membership—Whether committee having power to accept or reject applications for membership.
Woodford v. Smith, Megarry J. [1970] 1 W.L.R. 806.

COAL. *See* MINES.

COAST PROTECTION

Compulsory powers, exercise of

Sea wall necessary for coast protection

Works scheme comprising sea wall and promenade—Compulsory purchase order in respect of land for both sea wall and promenade—Promenade not necessary for coast protection—Authority able to acquire land for sea wall by negotiation—No consideration by authority whether work could not be carried out except in the exercise of compulsory powers—Works scheme and compulsory purchase order confirmed by Minister—No appeal against confirmation of works scheme—Application to quash confirmation of compulsory purchase order—Validity of works scheme—Whether "power to carry out" work—Whether land bona fide "required . . . for the purpose of carrying out thereon . . . coast protection work"—"Required"—"Compulsory powers"—Coast Protection Act, 1949, ss. 4, 6, 8, 14. **Webb v. Minister of Housing and Local Government,**
Salmon L.J. [1964] 1 W.L.R. 1295.
C.A. [1965] 1 W.L.R. 755.

Works scheme

Cost of works

Designation of contributory land—Scheme providing for determination by authority of apportionment of costs within six months of completion of work—No determination until 23 months after completion—Whether authority exercising statutory powers of performing duty—Whether obligatory to make determination within six months—Whether a substantial compliance—Coast Protection Act, 1949, ss. 6, 7.
Cullimore v. Lyme Regis Corpn., Edmund Davies J. [1962] 1 Q.B. 718;
[1961] 3 W.L.R. 1340.

CODICIL. *See* WILL.

COINAGE. *See* CURRENCY.

COLLISION. *See* ROAD TRAFFIC (**Negligence**); SHIPPING.

COLONY

Constitution

Powers of Crown

British Settlements Act, 1887, s. 2—Whether applicable—Protectorate adjacent to colony —Act of Parliament providing for joint independence of colony and protectorate—Order in Council providing for constitution of new independent state—" Whether power to make order "—Order made 13 days before day appointed for coming into force of Act of independence—To come into operation on appointed day—Validity—Whether " necessary for the peace, order, and good government of Her Majesty's subjects and others within any British settlement "—Sierra Leone.
Buck v. Attorney-General, Wilberforce J. [1965] Ch. 745; [1964] 3 W.L.R. 850.
C.A. [1965] Ch. 745; [1965] 2 W.L.R. 1033.

Southern Rhodesia—Limited grant of self-government—Convention that United Kingdom Parliament would not legislate on matters within the competence of Legislative Assembly—Unilateral " Declaration of Independence "—United Kingdom Statute and Order in Council transferring legislative and executive powers to Her Majesty in Council—Whether effective to do so—Southern Rhodesia Act, 1965, ss. 1, 2—Southern Rhodesia (Constitution) Order, 1965, ss. 2, 3 (1) (5), 4, 6.
Madzimbamuto v. Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

Ordinance

Validity

Immigration ordinance—Colonial Laws Validity Act, 1865, s. 2—British Nationality Act, 1948, s. 12—Immigration Ordinance (Fiji), No. 33 of 1947, s. 8.
Thornton v. The Police, P.C. [1962] A.C. 339; [1962] 2 W.L.R. 1141.

Whether natural justice relevant—Colonial Laws Validity Act, 1865, ss. 2, 3.
Liyanage v. The Queen, P.C. [1967] 1 A.C. 259; [1966] 2 W.L.R. 682.

COMMERCIAL COURT

Practice

Rules of Court regulating procedure

Effect—R.S.C., Ord. 72; Ord. 88.
Practice Statement (Commercial Court), Roskill J. [1964] 1 W.L.R. 1113.

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Desirability of full order for directions—Court to be informed of issues in dispute—Co-operation of parties—Estimation of time of hearing—Simplification of pleadings.
Practice Direction (Commercial List), Megaw J. [1962] 1 W.L.R. 1216.

Urgent disputes

Early determination by court.
Empresa Cubana de Fletes v. Aviation & Shipping Co. Ltd.,
Roskill J. [1969] 2 Lloyd's Rep. 257.

Waiting list

Introduction of—Necessity for timely setting down for trial—Summons—Estimation of hearing time and notification when ineffective—Extra copy of summons—Adaptation of procedure—Commercial Court Users Liaison Committee.
Practice Statement (Commercial Court: Waiting List), Donaldson J.
[1967] 1 W.L.R. 1545.

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COMMON RIGHTS

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Railings

Protection of grass by erection of railings—Blocking up of carriageway—Whether impeded or interfered with right of access—Whether ministerial consent required—Commons Act, 1899, s. 1—Law of Property Act, 1925, ss. 193 (1), 194 (1).
Hambledon Rural District Council v. Hinde, D.C. (1968) 66 L.G.R. 495.

Merger

Common rights appurtenant

Part of common purchased by commoner—Whether purchase extinguished common rights.
White v. Taylor, Buckley J. [1969] 1 Ch. 150; [1967] 3 W.L.R. 1246.

COMMON RIGHTS—*continued.*

Pasture

Appurtenant to land conveyed

Auction particulars showing pasture down in common ownership with auction lots—No rights appurtenant or reputedly appurtenant—Not "enjoyed with" auction lots, or arising by estoppel—No sufficient user to establish prescriptive right—Conveyancing and Law of Property Act, 1881, s. 6 (1).
White v. Taylor (No. 2), Buckley J. [1969] 1 Ch. 160; [1968] 2 W.L.R. 1402.

COMMONWEALTH

Republican member

Status

Whether a British dominion—R.S.C., Ord. 11, r. 6—Ghana (Consequential Provision) Act, 1960, s. 1 (1).
Gohoho v. Guinea Press Ltd., C.A. [1963] 1 Q.B. 948; [1962] 3 W.L.R. 1471.

COMMONWEALTH IMMIGRANT

Admission

Child

Child of Commonwealth citizen "ordinarily resident in the United Kingdom"—Immigration officers not satisfied that child under 16—Admission refused—Applicability of rules of natural justice—Duty to act fairly—Commonwealth Immigrants Act, 1962, ss. 2 (2) (*a*) (*b*), 3 (1), Sch. 1, para. 1 (1).
In re **H. K. (An Infant),** Divl.Ct. [1967] 2 Q.B. 617; [1967] 2 W.L.R. 962.

Condition of entry

Restricted period—Departure of immigrant from United Kingdom on day before expiry of restricted period—No examination by immigration officer on his return to United Kingdom a month later—Whether condition still operative—Commonwealth Immigrants Act, 1962, ss. 2, 4, Sch. 1, paras. 1, 2 (6).
Qureshi v. Harrington, D.C. [1970] 1 W.L.R. 138.

Refusal of

Application for admission for six weeks' visit—Whether duty of immigration officer to consider admission for shorter period—Commonwealth Immigrants Act, 1962, s. 2 (1)—Commonwealth Immigrants Act, 1968, s. 2 (1).
Reg. v. Secretary of State for Home Affairs, *Ex parte* **Harnaik Singh,** D.C. [1969] 1 W.L.R. 835.

Application for admission to attend course of study—Acceptance by college—Immigration officer doubtful of immigrant's qualifications for course—Whether proper exercise of power of refusal—Commonwealth Immigrants Act, 1962, s. 2 (3) (*b*).
Reg. v. Chief Immigration Officer Bradford Airport, *Ex parte* **Ashiq Hussain,** D.C. [1970] 1 W.L.R. 9.

Directions for removal of immigrant—Time for giving directions—Whether directions to be given within reasonable time—Commonwealth Immigrants Act, 1962, Sch. 1, paras. 3 (2) (3), 4 (1). **Reg. v. Secretary of State for Home Department,** *Ex parte* **Mohammed Rafiq,** D.C. [1970] 3 All E.R. 821.

Exceptions—"Position to support himself . . . otherwise than by taking employment or engaging for reward in . . . business"—Immigrant arriving without funds—Relative undertaking support of immigrant throughout stay—Whether entitled to admission—Immigration officer suspecting visiting immigrant of intention to remain and seek work—Whether proper exercise of power of refusal—Commonwealth Immigrants Act, 1962, s. 2 (1) (3). **Reg. v. Chief Immigration Officer Lympne Airport,** *Ex parte* **Amrik Singh,** D.C. [1969] 1 Q.B. 333; [1968] 3 W.L.R. 945.

Notice—Conditions precedent to validity of issue—Examination within 24 hours of landing—Onus of proof on application for writ of habeas corpus to secure release from detention—Whether on executive—Habeas Corpus Act, 1816, ss. 3, 4—Commonwealth Immigrants Act, 1962, ss. 1 (1), 2 (1) (*a*), 3, 13, Sch. 1, Pt. 1, paras. 1 (1) (2), 2 (1) (3).
Reg. v. Governor of Brixton Prison, *Ex parte* **Ahsan,** D.C. [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618.

Restriction of

British passport issued to "citizen of United Kingdom and Colonies" in dependent colony in name of British Crown—Whether "United Kingdom passport"—Whether "passport issued to holder by Government of United Kingdom"—Whether holder exempt from control of Commonwealth immigrants into United Kingdom—British Nationality Act, 1948, s. 1—Commonwealth Immigrants Act, 1962, ss. 1 (1) (2) (3), 2, 18.
Reg. v. Secretary of State for Home Department, *Ex parte* **Bhurosah,** Divl.Ct. and C.A. [1968] 1 Q.B. 266; [1967] 3 W.L.R. 1259.

Deportation order

Appeal from

Order made by quarter sessions on committal for sentence—Right of appeal only where a right of appeal against sentence—Commonwealth Immigrants Act, 1962, s. 8 (4).
Reg. v. Lynch, C.C.A. [1966] 1 W.L.R. 92.

COMMONWEALTH IMMIGRANT—*continued.*

Deportation order—*continued.*

Requirements for making recommendation

"Ordinarily" and "continuously" resident for five years—Detention for six months to be excluded—Commonwealth Immigrants Act, 1962, ss. 7 (2), 8 (1) (3) (4).
Reg. v. Edgehill, C.C.A. [1963] 1 Q.B. 593; [1963] 2 W.L.R. 170.

Subsequent return

Conviction for attempted housebreaking—New recommendation for deportation—Whether previous order in force—Whether jurisdiction to make new order—Commonwealth Immigrants Act, 1962, ss. 9 (1) (3), 11 (3).
Reg. v. Kelly (John Michael), C.C.A. [1966] 1 W.L.R. 1556.

Whether part of sentence

Life imprisonment sentence fixed by law—Whether recommendation precluded—Whether appropriate—Whether "order . . . made on conviction"—Jurisdiction of Court of Criminal Appeal—Criminal Appeal Act, 1907, s. 21—Commonwealth Immigrants Act, 1962, ss. 7 (1) (3), 8 (4).
Reg. v. Assa Singh, C.C.A. [1965] 2 Q.B. 312; [1965] 2 W.L.R. 774.

Infant

Wardship

Jurisdiction—Whether excluded by statutory powers of immigration authorities—Commonwealth Immigrants Act, 1962.
In re **Mohamed Arif (An Infant),** Cross J. and C.A. [1968] Ch. 643; [1968] 2 W.L.R. 1290.

COMPANY. (*See also* CORPORATION.)

Amalgamation

Scheme

Opposition by minority shareholders—Statutory notice pursuant to offer to acquire shares by transferee company—Application by dissenting shareholders—Compulsory sale of shares—Discretion of court—Purchase order—Companies Act, 1948, s. 209 (1).
In re **Grierson, Oldham & Adams Ltd.,** Plowman J. [1968] Ch. 17; [1967] 1 W.L.R. 385.

Articles of association

Construction

Shareholder—Sole shareholder—Whether permissible—Provision for shares to be offered on death of member to other "members"—Whether includes sole surviving member.
Jarvis Motors (Harrow) Ltd. v. Carabott, Ungoed-Thomas J. [1964] 1 W.L.R. 1101.

Form in Table C

Article not corresponding to any in Table C—Validity.
Gaiman v. National Association for Mental Health, Megarry J. [1970] 3 W.L.R. 42.

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Duties of

Invoices of stock altered—Explanation by managing director—Whether auditors entitled to rely on director's word—Whether negligent—Measure of damage—Time allowed for audit—Companies Act, 1948, s. 162, Sch. 9.
In re **Thomas Gerrard & Son Ltd.,** Pennycuick J. [1968] Ch. 455; [1967] 3 W.L.R. 84.

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Holder inscribed words of acceptance

Company's name inaccurately stated—Whether director who signed on behalf of company personally liable—Whether holder estopped from enforcing that liability—Companies Act, 1948, s. 108. **Durham Fancy Goods Ltd v. Michael Jackson (Fancy Goods) Ltd.,** Donaldson J. [1968] 2 Q.B. 839; [1968] 3 W.L.R. 225.

Capital

Reduction

Capitalisation of reserves resulting from revaluation of capital assets—Article permitting company to capitalise reserves not required for payment of preferential dividend—Whether variation of rights of preference shareholders—Whether legal.
Dimbula Valley (Ceylon) Tea Co. Ltd. v. Laurie, Buckley J. [1961] Ch. 353; [1961] 2 W.L.R. 253.

Confirmation of—Preference shareholders entitled to share in surplus assets on winding up—Reduction by returning paid-up capital on preference shares and cancelling them—No class meeting of preference shareholders—Whether reduction ought to be confirmed—Companies Act, 1948, s. 66 (1).
In re **William Jones & Sons Ltd.,** Buckley J. [1969] [1969] 1 W.L.R. 146.

Evidence in support of petition—Shares issued for consideration other than cash after 1900—Evidence showing compliance with registration requirements unnecessary.
Practice Direction (Companies: Reduction of Capital), Ch.D. [1966] 1 W.L.R. 836.

COMPANY—*continued.*

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List of creditors, dispensing with—Leasehold property held by company—Payment to shareholders of paid-up share capital—Leases held on terms beneficial to company or at current market rates—Claim by company to dispense with list of creditors entitled to object—Whether "special circumstances"—Whether assets should be appropriated to meet future liabilities under covenants—Basis of inquiry and adjudication by court —Companies Act, 1948, s. 67 (2) (*c*) (3).
In re **Lucania Temperance Billiard Halls (London) Ltd.,**
Buckley J. [1966] Ch. 98; [1966] 2 W.L.R. 5.

Practice—Petition to confirm resolution for extinguishment of shares—Part of a class of shareholders treated differently—Dissentient minority—Desirability of proceeding by scheme of arrangement—Companies Act, 1948, s. 206.
In re **Robert Stephen Holdings Ltd.,** Plowman J. [1968] 1 W.L.R. 522.

Proposed repayment of preferred shares at a premium of fifty per cent.—Shareholders' right to participate equally with ordinary shareholders in "balance of profits"—Excess "surplus assets," on a winding up to belong to ordinary shareholders—Large revenue reserve, and company's business prospering—Reduction proposals by special resolution at extraordinary general meeting—No separate meeting of preferred shareholders—Whether proposal abrogation of preferred shareholders' rights, requiring extraordinary resolution at separate meeting of preference shareholders—Whether contrary to section 72 of the Companies Act, 1948—Whether discrimination against preferred shareholders —Companies Act, 1948, s. 72.
In re **Saltdean Estate Co. Ltd.,** Buckley J. [1968] 1 W.L.R. 1844.

Charge

Book-debts

Future debts—Deposit of hire purchase agreements—Whether registrable—Whether "book-debts"—Action by company to avoid charge—Whether liquidator proper party—Companies Act, 1948, s. 95 (1) (2).
Independent Automatic Sales Ltd. v. Knowles & Foster, Buckley J. [1962] 1 W.L.R. 974.

Insurance policy to cover default by customers—Letters of authority charging benefit of policy to bank—Whether registrable—Whether "book debts"—Companies Act, 1948, s. 95 (1) (2) (*e*).
Paul & Frank Ltd. v. Discount Bank (Overseas) Ltd. and the Board of Trade,
Pennycuick J. [1967] Ch. 348; [1966] 3 W.L.R. 490.

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Hire-purchase agreements—Invoices recording sale of vehicles to dealers—Vehicles remaining in possession of company—Dealers' resale of vehicles to finance company—Vehicles let out by finance company on hire purchase to company—Finance company unaware of original ownership of vehicles—Whether invoices or hire-purchase agreements registrable—Whether invoices or hire-purchase agreements "charge" company's property—Companies Act, 1948, s. 95 (1) (2) (*c*).
Stoneleigh Finance Ltd. v. Phillips, C.A. [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508.

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Charging order on land—Failure to register under section 95 of Companies Act, 1948—Voluntary liquidation—Whether charging order void against liquidators for non-registration—Companies Act, 1948, ss. 95 (1) (2), 325 (as amended by Administration of Justice Act, 1956, s. 36 (4))—Administration of Justice Act, 1956, s. 35 (1) (3).
In re **Overseas Aviation Engineering (G.B.) Ltd.,**
Pennycuick J. [1962] Ch. 738; [1962] 2 W.L.R. 968.
C.A. [1963] Ch. 24; [1962] 3 W.L.R. 594.

Registration

Unregistered equitable charge—Effect of non-registration—Deposit of deeds and documents —Whether lien preserved after avoidance of charge—Companies Act, 1948, s. 95 (1) (2) (*d*) (*e*). *In re* **Molton Finance Ltd.,** C.A. [1968] Ch. 325; [1967] 3 W.L.R. 1561.

Validity of unregistered charge—Part of purchase-money left on mortgage—Whether created before or after property acquired—Companies Act, 1948, ss. 95, 97.
Capital Finance Co. Ltd. v. Stokes, Pennycuick J. [1968] 1 W.L.R. 1158.
C.A. [1969] 1 Ch. 261; [1968] 3 W.L.R. 899.

Validity of unregistered equitable charge—Extension of time to register sought—Order that deponents be cross-examined as to reasons for failure to register—Summons adjourned to court—Whether power to grant interim relief—Whether time to be extended—Companies Act, 1948, s. 101.
In re **Heathstar Properties Ltd.,** Buckley J. and Plowman J. [1966] 1 W.L.R. 993.

Registration, effect and validity of

Agent of chargee to apply for registration—Mis-statement as to date when charge created —Application made out of time—Whether registrar's certificate conclusive—Whether chargee entitled to rely on certificate—Whether charge void against liquidators—Companies Act, 1948, ss. 95 (1), 96, 98 (1) (2), 101.
In re **C. L. Nye Ltd.,** Plowman J. [1969] 2 W.L.R. 1380.
C.A. [1970] 3 W.L.R. 158.

COMPANY—*continued.*

Charge—*continued.*

Registration, effect and validity of—continued.

Inaccurate particulars delivered to registrar—Dates of execution of charges wrongly stated—Out of time—Company registrar's certificate granted—Whether conclusive as against liquidator and unsecured creditors in voluntary winding up—Companies Act, 1948, ss. 95 (1) (2), 96 (1) (2), 98 (1) (2), 101.
In re **Eric Holmes (Property) Ltd.**, Pennycuick J. [1965] Ch. 1052; [1965] 2 W.L.R. 1260.

Incomplete particulars delivered to registrar—Amount secured—No reference to interest and additional moneys secured by charge—Company Registrar's certificate—Whether conclusive as against liquidator and unsecured creditor in voluntary winding up—Rectification of register—Whether justifiable—Companies Act, 1948, ss. 95 (1) (5), 101, 598 (2)—Companies (Forms) Order, 1949, Sch., Form 47.
In re **Mechanisations (Eaglescliffe) Ltd.**, Buckley J. [1966] Ch. 20; [1965] 2 W.L.R. 702.

Money advanced by bank on security of deposit of title deeds—Deposit not registered as charge under section 95 of the Companies Act, 1948—Purported registration of "oral charge" at later date—No relevant happening on that date—Company becoming insolvent—Legal charge to bank executed within six months prior to the commencement of liquidation—Whether charge by deposit of title deeds void as against liquidator for non-registration—Whether subsequent legal charge a fraudulent preference—Companies Act, 1948, ss. 95, 98 (2).
In re **F.L.E. Holdings Ltd.**, Pennycuick J. [1967] 1 W.L.R. 1409.

Debenture

Floating charge on assets

Compulsory winding up—Accountants' costs of preparing statement of affairs—Whether priority over preferential debts and debenture—"Assets" of company—Companies Act, 1948, ss. 267, 309, 319.
In re **Barleycorn Enterprises Ltd.**, C.A. [1970] Ch. 465; [1970] 2 W.L.R. 898.

Effect—Goods supplied on credit after appointment of receiver—Whether equitable charge created in favour of debenture-holder.
N. W. Robbie & Co. Ltd. v. Witney Warehouse Co. Ltd., Widgery J. and C.A. [1963] 1 W.L.R. 1324.

Receiver

Appointed by debenture holders—Delegation of authority—Validity of acts by third party purporting to act as de facto manager and receiver—Contract to purchase shares entered into by unauthorised agent on behalf of company—Receiver not party to contract—Whether personally liable under contract—Ratification of acts of unauthorised agent by subsequent receiver—Whether effective—Companies Act, 1948, s. 369 (2).
Lawson v. Hosemaster Co. Ltd., Cross J. [1965] 1 W.L.R. 1399. C.A. [1966] 1 W.L.R. 1300.

Appointment by debenture holder—Validity—Whether document capable of operating as instrument "by writing" if executed as deed.
Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd., C.A. [1961] Ch. 88; [1961] 2 W.L.R. 196.

Liability for wrongful dismissal of company's servants—Companies Act, 1948, s. 369 (2).
In re **Mack Trucks (Britain) Ltd.**, Pennycuick J. [1967] 1 W.L.R. 780.

Subsidiary company created by receiver—Part of company's assets transferred to subsidiary—Proposed sale of shares in subsidiary to third parties—Plaintiffs entitled to commission under existing contract with company—Notice given of receiver's intention not to comply with contract—Plaintiffs' claim to restrain sale of shares—Whether receiver in stronger position than company to repudiate company's contracts—Whether plaintiff entitled to injunction to restrain sale of shares by receiver.
Airlines Airspares Ltd. v. Handley Page Ltd., Graham J. [1970] Ch. 193; [1970] 2 W.L.R. 163.

Director

Action against

Funds of company in liquidation misapplied by director—Whether in computing his liability, the deduction (on account of his anticipated share of company funds) from the judgment sum payable by him was to be calculated before or after the company's fund of assets had been notionally depleted by payment of excess costs.
Selangor United Rubber Estates Ltd. v. Cradock (No. 4), Ungoed-Thomas J. [1969] 1 W.L.R. 1773.

Parting illegally with money—Ignorance of law no defence—Loan by company for purchase of shares. **Steen v. Law**, P.C. [1964] A.C. 287; [1963] 3 W.L.R. 802.

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Authority

Power of board of directors to appoint managing director—No formal appointment—Chairman acting as managing director and chief executive—Whether implied authority—Whether apparent authority—Contract for company with another director—Belief that authority—Whether constructive knowledge imputed to director.
Hely-Hutchinson v. Brayhead Ltd., Roskill J. [1968] 1 Q.B. 549; [1967] 2 W.L.R. 1312.
C.A. [1968] 1 Q.B. 549; [1967] 3 W.L.R. 1408.

————————————————None appointed—Surveyors engaged by single director for company business—Whether company liable for fees.
Freeman & Lockyer v. Buckhurst Park Properties (Mangal) Ltd., C.A. [1964] 2 Q.B. 480; [1964] 2 W.L.R. 618.

Contempt of court

Personal liability for—Breaches of prohibitions in consent order—Director not served with prohibitive order but having knowledge of terms.
Ronson Products Ltd. v. Ronson Furniture Ltd., Stamp J. [1966] Ch. 603; [1966] 2 W.L.R. 1157.

Contract with

Director acting in private capacity—Validity at common law—Articles of company permitting contracts by directors subject to disclosure of interest—Interests not disclosed—Effect—Companies Act, 1948, s. 199. **Hely-Hutchinson v. Brayhead Ltd.**, Roskill J. [1968] 1 Q.B. 549; [1967] 2 W.L.R. 1312.
C.A. [1968] 1 Q.B. 549; [1967] 3 W.L.R. 1408.

Disqualification

Convictions on indictment — Fraud — Date from which disqualification runs — Companies Act, 1948, s. 188. **Reg. v. Bradley**, C.C.A. [1961] 1 W.L.R. 398.

Duties of

Duty to consider commercial merits of contract—Director retained on board after knowledge by company of material facts—Whether, if breach of duty, company able to complain. **Lindgren v. L. & P. Estates Ltd.**, C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

————————————————Whether failure to have regard to company's interests—Whether any evidence of such failure.
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

Duty to ensure compliance with undertaking given to court—Failure to instruct or supervise subordinates—Disregard of duty to court—Contempt of court.
In re **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement**, R.P.Ct.(E. & W.) [1966] 1 W.L.R. 1137.

Fiduciary duty to company

Accounting for profits to company—Dealings with company and subsidiary company.
Regal (Hastings) Ltd. v. Gulliver (Note), H.L.(E.) [1967] 2 A.C. 134.

"Director-elect"—Whether any duty by prospective director to company before appointment effective.
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

Director of parent company—Independent board of directors of subsidiary company—Whether director of parent company debarred from contracting with subsidiary company.
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

English company holding majority shares in American subsidiary—Alleged misfeasance by former director of parent company—Amendment of subsidiary's by-laws whereby parent company lost right to call special meetings of subsidiary—Former director remaining president of subsidiary—Whether court would compel him to call special meeting of subsidiary—Whether English court would interfere with exercise of fiduciary power arising from management of foreign company.
Pergamon Press Ltd. v. Maxwell, Pennycuick J. [1970] 1 W.L.R. 1167.

Membership of trade union of employees—Whether breach of duty—Whether unlawful—Whether managing director "employee" of company.
Boulting v. Association of Cinematograph, Television and Allied Technicians, C.A. [1963] 2 Q.B. 606; [1963] 2 W.L.R. 529.

Use of moneys in company's bank account to finance purchase of stock—Misapplication—Payments by cheques—Whether directors liable as trustees of company's moneys—Whether strangers concerned with purchase liable as constructive trustees—Whether company could sustain claim founded on illegal transactions to which a party—Companies Act, 1948, s. 54 (1). **Selangor United Rubber Estates Ltd. v. Cradock (No. 3)**, Ungoed-Thomas J. [1968] 1 W.L.R. 1555.

COMPANY—*continued.*

Director—*continued.*

Fiduciary duty to company—continued.

Use of powers to issue shares and lend money in order to retain control of company—Bona fide belief that transaction in best interests of company—Whether ultra vires—Ratification by general meeting.
Hogg v. Cramphorn Ltd., Buckley J. [1967] Ch. 254; [1966] 3 W.L.R. 995.

Improper exercise of power

Ratification by general meeting.
Bamford v. Bamford, Plowman J. [1970] Ch. 212; [1968] 3 W.L.R. 317.

———————Allotment of shares for improper motive—Ratification of allotment at general meeting of shareholders—Whether allotment capable of being validated by ordinary resolution—Whether directors' impropriety capable of waiver by shareholders—Whether action by minority shareholders alleging allotment invalid maintainable. **Bamford v. Bamford**, C.A. [1970] Ch. 212; [1969] 2 W.L.R. 1107.

Life directors

Power to remove other directors—Joint power conferred on two permanent life directors—Construction of articles of association—Power not conferred by way of joint confidence but for securing the interests of the life directors — Whether power exercisable by survivor. **Bersel Manufacturing Co. Ltd. v. Berry**, H.L.(E.) [1968] 2 All E.R. 552.

Managing director

Remuneration—By Table A, art. 108, such amount "as the directors may determine"—Nothing determined—Whether entitled to remuneration on quantum meruit basis—Whether article 108 limited to director appointed by board under article 107—Managing director appointed under articles of company—Companies Act, 1948, Sch. 1, Table A, arts. 107, 108.
In re **Richmond Gate Property Co. Ltd.**, Plowman J. [1965] 1 W.L.R. 335.

Misfeasance

Payment for loss of office—No consideration—Failure to take legal advice—Companies Act, 1948, ss. 191, 448 (1).
In re **Duomatic Ltd.**, Buckley J. [1969] 2 Ch. 365; [1969] 2 W.L.R. 114.

Sale of company's capital—Purchaser to procure release of director's indebtedness to company "without payment"—Whether misfeasance by director—Company in liquidation—Whether company entitled to bring action where misfeasance of director asserted—Companies Act, 1948, s. 54 (1).
Curtis's Furnishing Stores Ltd. v. Freedman, Cross J. [1966] 1 W.L.R. 1219.

Removal

Private company—Resolution for removal of director—Article attaching multiple votes to director's shares on such resolution—Whether article valid—Whether contrary to section 184 of the Companies Act, 1948—"Ordinary resolution"—Meaning—Companies Act, 1948, s. 184 (1). **Bushell v. Faith**, C.A. [1969] 2 Ch. 438; [1969] 2 W.L.R. 1067.
H.L.(E.) [1970] A.C. 1009; [1970] 2 W.L.R. 272.

Remuneration

Not authorised by resolution—Accounts subsequently passed by controlling shareholders—Draft account approved by controlling shareholder—Whether remuneration validly paid.
In re **Duomatic Ltd.**, Buckley J. [1969] 2 Ch. 365; [1969] 2 W.L.R. 114.

Dissolution

"Person . . . interested"

Application to resuscitate—Claim by foreign infant against company after voluntary winding-up—Application by claimant's solicitor for order declaring dissolution void—Whether solicitor having no proprietary or pecuniary interest a "person . . . interested"—Test—Companies Act, 1948, s. 352 (1).
In re **Roehampton Swimming Pool Ltd.**, Megarry J. [1968] 1 W.L.R. 1693.

Evidence

An officer, by

Before inspectors investigating company's affairs—Whether admissible against company officer in subsequent criminal proceedings—Companies Act, 1948, s. 167 (2)—Companies Act, 1967, s. 50. **Reg. v. Harris (Richard)**, C.C.C. [1970] 1 W.L.R. 1252.

———————Whether admissible against company officer in subsequent proceedings—Companies Act, 1948, s. 167 (2)—Companies Act, 1967, s. 50. **Selangor United Rubber Estates Ltd. v. Cradock (No. 2)**, Ungoed-Thomas J. [1968] 1 W.L.R. 319.

Exempt private company

"Providing capital"

Reorganisation—Purchase of shares from members by finance and banking companies—Whether provision of capital for company—Whether shares "acquired" by finance companies in the ordinary course of business "as such"—Companies Act, 1948, ss. 127, 129 (4), Sch. 7, paras. 1, 2 (1) (2), 7 (1), 9. **Qualter, Hall & Co. Ltd. v. Board of Trade**, C.A. [1962] Ch. 273; [1961] 3 W.L.R. 825.

COMPANY—*continued.*

Foreign company

Domicile

Whether foreign company can change domicile of own volition—Whether another proper law may be substituted for law of primary domicile.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 3), Buckley J. [1970] Ch. 506; [1969] 3 W.L.R. 991.

Fraud

Director and others by

Use of company's assets for purposes other than those of company—Dishonest risk—Whether conspiracy to cheat and defraud—Whether test of dishonesty subjective.
Reg. v. Sinclair, C.A. [1968] 1 W.L.R. 1246.

Fraudulent trading

Intent

Company not in course of winding up—Whether offence—Companies Act, 1948, s. 332 (3).
Reg. v. Rollafson, C.A. [1969] 1 W.L.R. 815.
Reg. v. Schildkamp (Note), C.A. [1969] 1 W.L.R. 818.
Reg. v. Schildkamp, H.L.(E.) [1970] 2 W.L.R. 279.

Defrauding creditors—Achieving objectives—Form of count—Companies Act, 1948, s. 332 (1) (3). **Reg. v. Inman,** C.C.A. [1967] 1 Q.B. 140; [1966] 3 W.L.R. 567.

Investigation of affairs

Bankers, payments by

Action by Board of Trade in name of company against directors and bankers—Company in liquidation—Whether likely to be able to pay defendants' costs—Application by bankers for security for costs—Whether already indemnified by Board of Trade against costs—" Misfeasance "—Companies Act, 1948, ss. 169, 333, 447.
Selangor United Rubber Estates Ltd. v. Cradock, Goff J. [1967] 1 W.L.R. 1168.

Action by Board of Trade in name of company against directors and company's bankers—Whether " fraud, misfeasance or other misconduct in connection with . . . management of affairs " includes negligence or breach of duty—Whether " misapplication of property " —Application to stay—Companies Act, 1948, ss. 169 (4), 333.
S.B.A. Properties Ltd. v. Cradock, Goff J. [1967] 1 W.L.R. 716.

Costs

Order in which persons liable to pay costs of proceedings and indemnity to company.
Selangor United Rubber Estates Ltd. v. Cradock (No. 4), Ungoed-Thomas J. [1969] 3 W.L.R. 1773.

Receiver, transaction by

Appointment of receiver and manager by debenture holder—Receiver agent of company under debenture deed—Reconstitution of subsidiary's board by receiver—Transactions involving disposal of sub-subsidiary by new board—Special resolution by parent company requiring Board of Trade to appoint inspector to investigate company's affairs—Refusal by Board of Trade to appoint inspector—Whether transactions involving sub-subsidiary " affairs " of the company—" Its affairs "—Possibility of application under R.S.C., Ord. 96, r. 7 (*c*) for order under s. 165 (*a*) (ii) of Act—Whether mandamus proper remedy—Companies Act, 1948, s. 165 (*a*).
Reg. v. Board of Trade, *Ex parte* **St. Martins Preserving Co. Ltd.,** Divl.Ct. [1965] 1 Q.B. 603; [1964] 3 W.L.R. 262.

Witnesses

Board of Trade inspectors—Officers of company required to give evidence—Refusal to answer questions without certain assurances—Whether justified—Natural justice—Companies Act, 1948, ss. 165, 167, 168 (2) (*a*).
In re **Pergamon Press Ltd.,** Plowman J. [1970] 1 W.L.R. 1075; C.A. [1970] 3 W.L.R. 792.

" Limited "

Party to action

Omission of word " Limited " in writ—Whether mere misnomer—Companies Act, 1948, ss. 2, 108.
Whittam v. W. J. Daniel & Co. Ltd., C.A. [1962] 1 Q.B. 271; [1961] 3 W.L.R. 1123.

Meeting

Service of notice

Accidental omission to serve all members—Special resolution for reduction of capital—Notice of meeting not sent to nine members—Table A article providing that accidental omission not to invalidate proceedings at meeting—Whether meeting duly convened—Whether resolution duly passed—Companies Act, 1948, s. 141 (5), Sch. 1, Table A, art. 51. *In re* **West Canadian Collieries,** Plowman J. [1962] Ch. 370; [1961] 3 W.L.R. 1416.

COMPANY—*continued.*

Meeting—*continued.*

Service of notice—continued.

Omission to serve notice arising from error as to legal position—Whether accidental—Companies Act, 1929, Sch. 1, Table A, art. 43.
Musselwhite v. C. H. Musselwhite & Son Ltd., Russell J. [1962] Ch. 964; [1962] 2 W.L.R. 374.

Single shareholder

Members' voluntary liquidation—Death of liquidator—Purported election by single shareholder of himself as liquidator—Appointment after departure of only other person entitled to be present at meeting—Validity of appointment—Whether a " meeting "—Companies Act, 1948, ss. 286 (1), 304. *In re* **London Flats Ltd.**, Plowman J. [1969] 1 W.L.R. 711.

Vote

Entitlement to vote—Meeting held after last permitted day—Relevant date of state of share register.
Musselwhite v. C. H. Musselwhite & Son Ltd., Russell J. [1962] Ch. 964; [1962] 2 W.L.R. 374.

Proxy—Misdescription of meeting—Proxy form describing extraordinary general meeting as " the annual general meeting "—Articles requiring form of proxy to be " in the usual form "—Proxy holder directed by some shareholders to vote for and by others to vote against resolutions—Voting card without indication of number of votes for and against—Result not affected by omission of votes against—Validity of votes.
Oliver v. Dalgleish, Buckley J. [1963] 1 W.L.R. 1274.

Officer

" Manager " or " officer "

Whether including branch manager—Restrictive Trade Practices Act, 1956, s. 15 (3).
Registrar of Restrictive Trading Agreements v. W. H. Smith & Son Ltd., Cross J. (1968) L.R. 6 R.P. 532; [1968] 1 W.L.R. 1541.
C.A. [1969] 1 W.L.R. 1460.

" Principal officer "

Whether including divisional manager.
In re **Vic Groves & Co. Ltd.**, Pennycuick J. [1964] 1 W.L.R. 956.

Oppression

Conduct of affairs

Issue of shares in 1954 by directors to reduce holdings of part of members—No action taken by members affected until 1969 except negotiations for settlement—Laches—Directors' high remuneration resolved by themselves without putting to general meeting—Ultra vires—Administrators of deceased member—Whether members—Members never informed of meetings or other matters—Whether conduct oppressive—Companies Act, 1948, s. 210.
In re **Jermyn Street Turkish Baths Ltd.**, Pennycuick J. [1970] 1 W.L.R. 1194.

Matters to be proved—Oppressive conduct continuing until date of petition—Lack of probity towards complaining shareholder—Companies Act, 1948, s. 210.
In re **Westbourne Galleries Ltd.**, Plowman J. [1970] 1 W.L.R. 1378.

Nature

Unwise, inefficient and careless conduct by director alleged—Voting control held by two other companies jointly—Allegation that oppressive conduct permitted—Whether conduct " oppressive "—Whether ground for relief—Companies Act, 1948, s. 210.
In re **Five Minute Car Wash Service Ltd.**, Buckley J. [1966] 1 W.L.R. 745.

Order

Per incuriam

Order as to costs in county court—Duty of county court judge.
Willis v. Association of Universities of the British Commonwealth (No. 2), C.A. [1965] 1 W.L.R. 836.

Powers. (*See also* CORPORATION.)

Application of assets

Proposed payments to former employees—Whether payments gratuities—Test—Validity—Action by shareholder—Application for interim injunction—No evidence by directors that payments in interest of company's business—Whether prima facie case that proposed payments ultra vires.
Parke v. Daily News Ltd., Wilberforce J. [1961] 1 W.L.R. 493.

Articles of association

Power of expulsion—Whether subject to principles of natural justice—Company limited by guarantee. **Gaiman v. National Association for Mental Health**, Megarry J. [1970] 3 W.L.R. 42.

Debenture

Voluntary disposition of assets—Whether ultra vires.
Ridge Securities Ltd. v. Inland Revenue Comrs., Pennycuick J. [1964] 1 W.L.R. 479.

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Powers—*continued.*

Ex gratia payment

Sale of major part of business—Dismissal of majority of staff—Compensation for loss of service and pension rights—Staff not legally entitled—Payment ex gratia—Whether intra vires the company—Whether majority of shareholders entitled to ratify.
Parke v. Daily News Ltd., Plowman J. [1962] Ch. 927; [1962] 3 W.L.R. 566.

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Construction when ambiguous.
Inland Revenue Comrs. v. Educational Grants Association Ltd., C.A. [1967] Ch. 993; [1967] 3 W.L.R. 41.

Established for general educational purposes—Claim for exemption from income tax on basis that "for charitable purposes only"—Application for benefit of private class—Whether ultra vires. **Inland Revenue Comrs. v. Educational Grants Association Ltd.**,
Pennycuick J. [1967] Ch. 123; [1966] 3 W.L.R. 724.
C.A. [1967] Ch. 993; [1967] 3 W.L.R. 41.

Object clause—Company's principal object to provide facilities for foreign visitors—Power given by objects sub-clause to borrow—Each sub-clause stated to be independent of the others—Loan by bank to company for pig breeding—Pig breeding known to be ultra vires—Whether loan valid—Whether "borrowing" an independent activity.
Introductions Ltd. v. National Provincial Bank Ltd.,
Buckley J. [1968] 2 All E.R. 1221.
C.A. [1970] Ch. 199; [1969] 2 W.L.R. 791.

————"To secure or guarantee by mortgage" own liabilities or those of associates—Overdraft of associated supervisory company guaranteed by company and secured by charge on company's property—No separate consideration of interests of company—Obligation eventually necessitating sale—Validity of charge as against purchaser—Whether intention to benefit company necessary—Whether in fact for benefit of company as entity within group.
Charterbridge Corpn. Ltd. v. Lloyds Bank Ltd., Pennycuick J. [1970] Ch. 62; [1969] 3 W.L.R. 122.

Object providing for destination of surplus assets on a winding up—Substitution of beneficiary entitled in default for primary beneficiaries—Whether alteration to "restrict or abandon" an object—Notice of special resolution altering object given to trustees of trust deed but not to debenture holders—Petition that special resolution be not confirmed—Locus standi of petitioners—Companies Act, 1948, ss. 2 (1), 5 (1) (*e*) (2) (*a*), 23 (1), 455 (1). *In re* **Hampstead Garden Suburb Trust Ltd.**, Pennycuick J. [1962] Ch. 806; [1962] 3 W.L.R. 474.

Plaintiff company in business as property developers—Knowledge of sources of finance acquired by chairman of plaintiff company in course of its business—Power "to carry on any other . . . business . . . which can, in the opinion of the board of directors, be advantageously carried on . . . as ancillary to . . . the general business of the company"—Power "to . . . turn to account . . . any of the property and assets for the time being of the company . . ."—"Power to do all such other things as are incidental or conducive to above objects"—Contract between plaintiff company and defendants to introduce financier for provision of credit to defendants—Breach—Whether defence that contract ultra vires open to defendants—Whether difference between executory and executed contracts—Whether contract ultra vires the plaintiff company—Contract by defendants to pay plaintiff company procuration fee for introduction of financier providing defendants with bridging finance—Whether contract ultra vires the plaintiff company. **Bell Houses Ltd. v. City Wall Properties Ltd.**,
Mocatta J. [1966] 1 Q.B. 207; [1965] 3 W.L.R. 1065.
C.A. [1966] 2 Q.B. 656; [1966] 2 W.L.R. 1323.

Statutory powers

Nationalised undertaking—Statutory powers not to be construed narrowly—Making of rolling stock for sale to commercial users on board's tracks—Whether ultra vires.
Charles Roberts & Co. Ltd. v. British Railways Board,
Ungoed-Thomas J. [1965] 1 W.L.R. 396.

Statutory undertaking

Company incorporated by special Act for providing railway and market house for public benefit—Registration of company under Part VIII of Act of 1948—Whether power to alter objects to abandon undertaking—Whether alteration of objects "incidents" of memorandum—Whether power to sell land—Salisbury Railway and Market House Act, 1856—Companies Act, 1948, s. 394 (1), Sch. 1, Table A, reg. 185.
In re **Salisbury Railway and Market House Co. Ltd.**,
Buckley J. [1969] 1 Ch. 349; [1967] 3 W.L.R. 651.

COMPANY—*continued.*

Private company

Exempt private company

" Providing capital "—Reorganisation—Purchase of shares from members by finance and banking companies—Whether provision of capital for company—Companies Act, 1948, ss. 127, 129 (4), Sch. 7, paras. 1, 2 (1) (2), 7 (1), 9.
Qualter, Hall & Co. Ltd. v. Board of Trade, Cross J. [1961] Ch. 121; [1961] 2 W.L.R. 63.

Settlement of sum of money by principal shareholder—Settlor's shares in company subsequently brought into settlement by purchase with part of settled sum—Whether " family settlement disposing of the shares . . ."—Companies Act, 1948, ss. 127, 129 (1) (2) (*a*), Sch. 7, para. 3 (1) (*b*) (2) (*b*). *In re* **Prenn's Settlement,** C.A. [1961] 1 W.L.R. 569.

Psyche

" Actual fault "

Shipping—Limitation action—Whether fault of traffic manager is fault of company—Merchant Shipping Act, 1894, s. 503.
The The Lady Gwendolen, C.A. [1965] P. 294; [1965] 3 W.L.R. 91.

Conspiracy to defraud

Director sole person responsible for acts of company—Whether director can conspire with company. **Reg. v. McDonnell,** Nield J. [1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138.

Intention

" Brains of company "—Responsible officer test—Whether company aided and abetted offence. **John Henshall (Quarries) Ltd. v. Harvey,** Divl.Ct. [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758.

Name

Misdescription—Name in memorandum of sale incorrect—Effect.
F. Goldsmith (Sicklesmere) Ltd. v. Baxter, Stamp J. [1970] Ch. 85; [1969] 3 W.L.R. 522.

Separate entity

Landlord and tenant—Landlord's intention to occupy—Company business to be carried on by company—Landlord's control of company—Landlord and Tenant Act, 1954, s. 30 (1) (*g*). **Tunstall v. Steigmann,** C.A. [1962] 2 Q.B. 593; [1962] 2 W.L.R. 1045.

Sunday observance

Whether a body corporate a " person " for the purposes of the Sunday Observance Act, 1677, s. 1—Interpretation Act, 1889, s. 2 (1).
Rolloswin Investments Ltd. v. Chromolit Portugal Cutelarias e Produtos Metalicos, S.A.R.L., Mocatta J. [1970] 1 W.L.R. 912.

Register

Name struck off register

Application " by member or creditor " to restore—Petitioner not member or creditor when company struck off—Bearer shares acquired by and debts assigned to petitioners after dissolution—Whether " member or creditor "—Whether entitled to petition for restoration—Companies Act, 1948, s. 353 (6). *In re* **New Timbiqui Gold Mines Ltd.,** Buckley J. [1961] Ch. 319; [1961] 2 W.L.R. 344.

Consequent dissolution of company—Application by motion to declare dissolution void—Claim by Registrar of Companies to be represented at hearing—Whether applicant should pay registrar's costs—Companies Act, 1948, ss. 352 (1), 353 (6).
In re **Test Holdings (Clifton) Ltd.,** Megarry J. [1970] Ch. 285; [1969] 3 W.L.R. 606.

Petition by personal representative of deceased shareholder to restore name to register—Shares not registered in petitioner's name—Whether petitioner a " member "—Companies Act, 1948, ss. 213, 215 (1), 224 (1) (*a*) (ii), 353 (6).
In re **Bayswater Trading Co. Ltd.,** Buckley J. [1970] 1 W.L.R. 343.

Rectification

Power of court to order—Mis-statement as to date when charge created—Whether entitled to order deletion of whole entry—Companies Act, 1948, s. 101.
In re **C. L. Nye Ltd.,** C.A. [1970] 3 W.L.R. 158.

Restoration to register

Action for unquantified damages pending against company—Petition by plaintiff to restore name to register—Whether plaintiff a " creditor "—Companies Act, 1948, s. 353 (6).
In re **Harvest Lane Motor Bodies Ltd.,** Megarry J. [1969] 1 Ch. 457; [1968] 3 W.L.R. 220.

Company's petition—Purported legal charge—Retrospective effect—Companies Act, 1948, ss. 98, 353 (6). *In re* **Boxco Ltd.,** Pennycuick J. [1970] Ch. 442; [1970] 2 W.L.R. 959.

Creditor supporting petition—Proviso to protect creditors between dissolution and restoration to the register—Effect of inclusion in court order—Companies Act, 1948, s. 353 (6).
In re **Lindsay Bowman Ltd.,** Megarry J. [1969] 1 W.L.R. 1443.

COMPANY—*continued.*

Register—*continued.*

Restoration to register—continued.

Service of petition—Name of company struck off register in 1963—Sum of money subsequently becoming payable to company—Creditors' petition for restoration of company's name to register.
In re **Vickers & Bott Ltd. (Note),** Pennycuick J. [1968] 2 All E.R. 264.

Statute-barred debts—Proviso to protect creditors between dissolution and restoration to the register—When unnecessary—Companies Act, 1948, s. 353 (6).
In re **Huntington Poultry Ltd.,** Buckley J. [1969] 1 W.L.R. 204.

Scheme of arrangement

Disclosure of information

Exempt banking company—Information about assets and liabilities withheld—Opposition—Whether scheme should be sanctioned—Companies Act, 1948, ss. 206, 207, 209, Sch. 8, para. 23 (2). *In re* **National Bank Ltd.,** Plowman J. [1966] 1 W.L.R. 819.

Shareholder

Rights against company or directors

Action by minority shareholder—Misfeasance and breach of trust alleged but fraud or ultra vires of acts not pleaded—Whether withholding of company's asset by majority shareholder-director—No damage to company—Whether action maintainable.
Heyting v. Dupont, Plowman J. [1963] 1 W.L.R. 1192.
C.A. [1964] 1 W.L.R. 843.

Rights against company or shareholders

Oppression—Working director unjustifiably excluded from affairs of small company—Appropriate remedy—Companies Act, 1948, ss. 210, 222 (*f*).
In re **Lundie Brothers Ltd.,** Plowman J. [1965] 1 W.L.R. 1051.

Shares

Articles of association

Power for directors to issue shares—Issue of shares by directors during take-over battle—Issue approved by general meeting of shareholders—Whether shareholders competent to approve issue—Whether action claiming issue to be invalid maintainable.
Bamford v. Bamford, C.A. [1970] Ch. 212; [1969] 2 W.L.R. 1107.

Power for directors to issue shares " with a special or without any right of voting "—Provision that in case of a poll " every member shall have one vote for every share held by him "—Whether directors empowered to issue shares carrying 10 votes each on a poll. **Hogg v. Cramphorn Ltd.,** Buckley J. [1967] Ch. 254; [1966] 3 W.L.R. 995.

Classes of shares

Alteration of voting powers—Management shares—Resolution to alter voting rights of management shares—Whether resolution oppressive of ordinary shareholders voting against resolution—Whether for benefit of company as a whole.
Rights & Issues Investment Trust Ltd. v. Stylo Shoes Ltd., Pennycuick J. [1965] Ch. 250; [1964] 3 W.L.R. 1077.

Proposed reduction of capital by cancellation of preferred shares with right to participate equally with ordinary shares in " balance of profits "—Large revenue reserve and company prospering—Whether abrogation of shareholders' rights—Whether contrary to section 72 of Companies Act, 1948—Whether unfair as discrimination against one class of " equity " capital—Companies Act, 1948, s. 72.
In re **Saltdean Estate Co. Ltd.,** Buckley J. [1968] 1 W.L.R. 1844.

Compulsory acquisition

Application for relief—Palatine Court of Lancaster—Company with registered office within jurisdiction—Acquiring company outside jurisdiction—Whether Palatine Court " the court "—Jurisdiction to entertain application—Companies Act, 1948, ss. 209, 218, 455. *In re* **Samuel Heap & Son Ltd.,** C.A. [1965] 1 W.L.R. 1458.

Joint offer by two companies—Whether compulsory acquisition procedure applicable—Whether procedure for company structure or concentration of property interests—" Transferee company "—Australia (N.S.W.)—Companies Act, 1961 (N.S W.), s. 185.
Blue Metal Industries Ltd. v. Dilley, P.C. [1970] A.C. 827; [1969] 3 W.L.R. 357.

Sale

Private company—Articles restricting transfer of shares to members—To be offered to members by " any person (not a member [or close relative] of a member) becoming entitled to shares " on death of a member—Executor a " person becoming entitled to shares "—Executor himself a member—Exempted from obligation to offer deceased's shares to members—Procedure to be followed.
Roberts v. Letter " T " Estates Ltd., P.C. [1961] A.C. 795; [1961] 3 W.L.R. 176

Rights of unpaid or partly-paid vendor in respect of shares.
Musselwhite v. C. H. Musselwhite & Son Ltd., Russell J. [1962] Ch. 964; [1962] 2 W.L.R. 374.

COMPANY—*continued.*

Shares—*continued.*

Transfer

Gift of shares—Transfer not signed by donee—Articles of association of company providing that should be so signed—Whether gift valid—Whether lawful—"Proper instrument"—Meaning—Disclaimer of gift of shares—Share register not altered—Whether disclaimer effective—Whether register rectifiable as of right—Companies Act, 1948, s. 75.
In re **Paradise Motor Co. Ltd.,** C.A. [1968] 1 W.L.R. 1125.

Name of transferees not inserted in transfers—Whether title passes.
Fitch Lovell Ltd. v. Inland Revenue Comrs., Wilberforce J. [1962] 1 W.L.R. 1325.

Private company—Articles restricting right to transfer—Directors entitled to refuse register of transfers—Delay in placing transfers before board—Whether delay unnecessary and unreasonable—Whether directors' right to veto transfers lost by delay—Companies Act, 1929, Sch., Table A, cl. 19—Companies Act, 1948, ss. 78, 116.
In re **Swaledale Cleaners Ltd.,** Pennycuick J. [1968] 1 W.L.R. 432.
C.A. [1968] 1 W.L.R. 1710.

——————Directors entitled to refuse registration of transfers without assigning reasons—Whether directors' absolute discretion—Registration of transfer refused—Allegation of bad faith against directors—Whether ground for winding up petition—Whether proper remedy. **Charles Forte Investments Ltd. v. Amanda,** C.A. [1964] Ch. 240; [1963] 3 W.L.R. 662.

Winding up

Bankruptcy rules

Whether applicable—Money on deposit for fixed terms or on ordinary account—In some cases fixed term expired before commencement of winding up—Provision for interest at more than five per cent.—Whether interest payable and at what rate—"Payable by virtue of a written instrument at a certain time"—Whether bankruptcy rules applicable—Companies Act, 1948, s. 317—Companies (Winding-up) Rules, 1949, rr. 100, 101—Bankruptcy Act, 1914, s. 66.
In re **Theo Garvin Ltd.,** Pennycuick J. [1969] 1 Ch. 624; [1968] 2 W.L.R. 683.

Contributories

List of — Dispensing with — Surplus assets — Large number of widely held shares—Schedule prepared by liquidator—Whether sufficient evidence of contributories—Whether court should dispense with settlement of list—Companies Act, 1948, s. 257 (1)—Companies (Winding-Up) Rules, 1949.
In re **Paragon Holdings Ltd.,** Buckley J. [1961] Ch. 346; [1961] 2 W.L.R. 421.

Rights to surplus assets—Rights of preference shareholders to participate in "further surplus assets"—Whether right of participation remains after paying creditors, costs, arrears of preference dividend and all paid-up capital.
Dimbula Valley (Ceylon) Tea Co. Ltd. v. Laurie, Buckley J. [1961] Ch. 353; [1961] 2 W.L.R. 253.

Whether personal representative of deceased shareholder a "contributory" although not registered holder of shares—Companies Act, 1948, s. 224 (1) (*a*) (ii).
In re **Bayswater Trading Co. Ltd.,** Buckley J. [1970] 1 W.L.R. 343.

Costs

Company in voluntary liquidation—Judgment creditors' petition for compulsory winding up—Order for party and party taxation in winding up—Costs of matters unnecessary for purpose of obtaining winding-up order—Whether payable by company.
In re **A. & N. Thermo Products Ltd.,** Plowman J. [1963] 1 W.L.R. 1341.

Compulsory winding up—Accountants' costs of preparing statement of affairs—Whether priority over preferential debts and debenture—Floating charge on "assets"—Companies Act, 1948, ss. 267, 309, 319—Companies (Winding-up) Rules, 1948, r. 195.
In re **Barleycorn Enterprises Ltd.,** C.A. [1970] Ch. 465; [1970] 2 W.L.R. 898.

Contributory's petition—Contributory by—Availability of assets not averred—Accounts and information withheld from contributory—Whether petition demurrable—Accounts supplied on presentation of petition—Winding-up order no longer sought—Costs.
In re **Newman and Howard Ltd.,** Pennycuick J. [1962] Ch. 257; [1961] 3 W.L.R. 192.

Creditor's petition—Opposition by majority of creditors—Petition dismissed by consent—Presentation and prosecution of petition reasonable—Whether petitioner should pay costs of company and opposing creditors.
In re **Sklan Ltd.,** Pennycuick J. [1961] 1 W.L.R. 1013.

Judgment creditor's petition—Opposition by majority of creditors—Company in voluntary winding up—No evidence filed by petitioning creditor—Dismissal of petition—Whether petitioner should pay costs of company.
In re **Riviera Pearls Ltd.,** Pennycuick J. [1962] 1 W.L.R. 722.

——————————————Court guided by reasonable wishes of majority—Dismissal of petition—Whether "fair practice" to dismiss with costs or no order as to costs.
In re **A.B.C. Coupler and Engineering Co. Ltd.,** Pennycuick J. [1961] 1 W.L.R. 243.

COMPANY—*continued.*

Winding up—*continued.*

Costs—*continued.*

Judgment creditor's petition—Opposition by majority of creditors—Petitioner's knowledge of opposition—Dismissal of petition—Presentation and prosecution of petition unreasonable—Whether petitioner should pay costs of company and opposing creditors.
In re **A. E. Hayter & Sons (Porchester) Ltd.**, Pennycuick J. [1961] 1 W.L.R. 1008.

Official receiver—Remuneration of official receiver as provisional liquidator if winding-up order rescinded—" Reasonable " remuneration—Companies (Board of Trade) Fees Order, 1929, Table B, para. II.
In re **Joseph Phillips Ltd.**, Buckley J. [1964] 1 W.L.R. 369.

Substituted petitioner—Original petitioner's costs—Acceptance by original petitioner of debt and costs—Subsequent substitution order—Winding-up order made at instance of substituted petitioner—Whether costs of original petitioner costs of the petition—Original petitioner's election to accept or refuse payment.
In re **Bostels Ltd.**, Pennycuick J. [1968] Ch. 346; [1967] 3 W.L.R. 1359.

Counterclaim in company's action

Whether leave of court required—Action by company against alleged debtor—Debtor's claim to set off sums owed to him by company and for account—Pleaded as counterclaim—Whether leave of court required—Whether counterclaim proceeding against company—Whether valid beyond sum claimed by company—Companies Act, 1948, s. 231—Bankruptcy Act, 1914, s. 31.
Langley Constructions (Brixham) Ltd. v. Wells, C.A. [1969] 1 W.L.R. 503.

Disposition of property

Petition pending—Leasehold premises—Company in arrears of rent—Judgment for possession, arrears of rent and mesne profits—Negotiations for sale of lease—Proposal to forfeit lease if company wound up—Landlords willing not to proceed under judgment if lease sold—Whether jurisdiction to authorise disposition—Before making of winding-up order—Companies Act, 1948, s. 227.
In re **A. I. Levy (Holdings) Ltd.**, Buckley J. [1964] Ch. 19; [1963] 2 W.L.R. 1464.

——————Receiver and manager appointed by debenture holders of parent company—Company's bank account frozen—Advances by receiver to enable company to carry on business—Advances mostly repaid by company from daily receipts—Receiver's opposition to winding up withdrawn and order made—Liquidator's claim for return of money paid from daily receipts to repay receiver's advances—Disposition of company's property made after presentation of petition—Whether void—Whether court should validate disposition—Companies Act, 1948, s. 227. *In re* **Clifton Place Garage Ltd.**,
Megarry J. and C.A. [1970] Ch. 477; [1970] 2 W.L.R. 243.

Proposed sale by liquidator of company's assets—Allegation by individual creditor that proposed sale at gross undervalue—No allegation of fraud—Application for interim injunction to restrain sale—Delay in seeking relief—Whether creditor entitled to relief—Companies Act, 1948, ss. 245 (2), 246 (5)—Bankruptcy Act, 1914, s. 80.
Leon v. York-O-Matic Ltd., Plowman J. [1966] 1 W.L.R. 1450.

Distribution of assets

Conditional agreement of compromise between liquidators and companies—Position of non-assenting creditors—Whether scheme of arrangement proper course—Companies Act, 1948, ss. 206, 245. *In re* **Trix Ltd.**, Plowman J. [1970] 1 W.L.R. 1421.

Evidence

Petition by Board of Trade—Whether Inspector's report " evidence " to support petition—Companies Act, 1948, s. 169 (3).
In re **S.B.A. Properties Ltd.**, Pennycuick J. [1967] 1 W.L.R. 799.

Examination of officer of company

Shorthand note and transcript made of answers—Whether reduced " to writing "—Whether officer required to sign transcript—Companies Act, 1948, s. 268 (2)—Companies (Winding-up) (Amendment) Rules, 1954, r. 72 (1).
In re **Milton Hindle Ltd.**, Pennycuick J. [1963] 1 W.L.R. 1032.

Execution

Arrest and sale of vessel by order of Admiralty Court—Action in rem—Whether validity of order of Admiralty Court dependent upon Companies Court—Companies Act, 1948, ss. 228 (1), 231. **The Constellation**, Hewson J. [1966] 1 W.L.R. 272.

Judgment creditor—Garnishee order—Creditors' voluntary liquidation—Money paid to judgment creditor after notice of creditors' meeting—Whether entitled to retain against liquidator—" Benefit of the attachment "—Meaning—Discretion of court—Companies Act, 1948, s. 325 (1) (*a*) (*c*) (2). *In re* **Caribbean Products (Yam Importers) Ltd.**,
C.A. [1966] Ch. 331; [1966] 2 W.L.R. 153.

——————Money in bank account paid—Creditors' voluntary liquidation—Whether liquidator entitled to recover from judgment creditor—Whether judgment creditor entitled to have liquidator's right set aside—Companies Act, 1948, s. 325 (1) (2).
In re **Rainbow Tours Ltd.**, Buckley J. [1964] Ch. 66; [1963] 3 W.L.R. 459.

COMPANY—*continued.*

Winding up—*continued.*

Execution—continued.

Voluntary liquidation—Sale of goods by sheriff—Notice of meeting of creditors—Whether notice of meeting to pass resolution for voluntary winding up—Whether execution creditor or sheriff entitled to proceeds of sale—Companies Act, 1948, ss. 293 (1), 326 (2).
Engineering Industry Training Board v. Samuel Talbot (Engineers) Ltd.,
C.A. [1969] 2 Q.B. 270; [1969] 2 W.L.R. 464.

————Title to proceeds of sale of company's goods—Writs of fieri facias—Execution—Sale of goods seized—Sheriff notified of resolution to call creditor's meeting before sale proceeds paid over—Subsequent notice of company meeting to propose voluntary winding up—Whether sufficient notice to sheriff before payment to execution creditors that company meeting to be called at which voluntary liquidation to be proposed—Companies Act, 1948, ss. 293 (1), 326 (2).
In re **T. D. Walton Ltd.,** Plowman J. [1966] 1 W.L.R. 869.

Writs of fieri facias issued by several judgment creditors—Postponement of execution by judgment creditor induced by company—Voluntary liquidation—Judgment creditor who has begun to levy execution before notice of creditors' meeting entitled to complete execution—Discretion of court—Companies Act, 1948, s. 325 (1) (*c*).
In re **Redman (Builders) Ltd.,** Pennycuick J. [1964] 1 W.L.R. 541.

Floating charge within 12 months

To secure current account with bank—Companies Act, 1948, s. 322 (1).
In re **Yeovil Glove Co. Ltd.,** Plowman J. [1963] Ch. 528; [1962] 3 W.L.R. 900.
C.A. [1965] Ch. 148; [1964] 3 W.L.R. 406.

————Whether valid against liquidator—"Cash paid to the company at the time of or subsequently to, and in consideration for, the charge"—Companies (Consolidation) Act, 1908, s. 212.
In re **Thomas Mortimer Ltd.,** Romer J. [1965] Ch. 186; [1964] 3 W.L.R. 427.

Fraud by director

Creditor's claim for declaration of liability—Payment to creditor before declaration made—Whether sum paid impressed with trust for creditors generally—Whether material that no declaration—Whether creditor accountable to liquidator for moneys recovered—Companies Act, 1948, s. 332.
In re **Cyona Distributors Ltd.,** Plowman J. [1966] Ch. 462; [1966] 2 W.L.R. 761.
C.A. [1967] Ch. 889; [1967] 2 W.L.R. 369.

Fraud reported by official receiver

Court order directing public examination of directors—Nature of prima facie case of fraud in official receiver's report—Companies Act, 1929, s. 216 (1).
Tejani v. Official Receiver, P.C. [1963] 1 W.L.R. 59.

Fraudulent preference

Money advanced by bank on security of deposit of title deeds—No charge registered by bank under section 95 of the Companies Act, 1948—Purported registration of "oral charge" of later date—Company becoming insolvent—Legal charge to bank executed within six months prior to commencement of liquidation—No pressure by bank for repayment of overdraft—No consideration given—Whether charge effected by deposit of title deeds void as against liquidator for non-registration—Whether subsequent legal charge a fraudulent preference—Companies Act, 1948, ss. 95, 98 (2).
In re **F.L.E. Holdings Ltd.,** Pennycuick J. [1967] 1 W.L.R. 1409.

Money advanced from time to time against security of properties of company—Undertakings by company to execute legal mortgages on demand—Implementation of undertakings—Legal charges—Company wound up within six months of creation of charges—Whether charges void against liquidator—With a "view" of giving creditor preference—Whether "view" means intention—Companies Act, 1948, s. 320 (1)—Bankruptcy Act, 1914, s. 44 (1).
In re **Eric Holmes (Property) Ltd.,** Pennycuick J. [1965] Ch. 1052;
[1965] 2 W.L.R. 1260.

Insolvency

Judgment debt—Letter from company's solicitors stating that there were no assets on which execution could be levied—Whether company "deemed to be unable to pay its debts"—Companies Act, 1948, s. 223 (*b*).
In re **Douglas Griggs Engineering Ltd.,** Pennycuick J. [1963] Ch. 19;
[1962] 2 W.L.R. 893.

Insurance company

Deficit in margin of solvency—Firm prospects that deficit would soon disappear—Judicial discretion not to order winding up—Insurance Companies Act, 1958, s. 13 (1) (as amended)—Companies Act, 1967, ss. 62 (1) (*a*), 79.
In re **Craven Insurance Co. Ltd.,** Pennycuick J. [1968] 1 W.L.R. 675.

COMPANY—*continued.*

Winding up—*continued.*

Interpleader

Jurisdiction—Leave of court—Whether a proceeding against the company—Companies Act, 1948, s. 231. **Eastern Holdings Establishment of Vaduz v. Singer & Friedlander Ltd.,** Buckley J. [1962] 1 W.L.R. 1017.

" Just and equitable " grounds for

Company run as quasi-partnership—Informal agreement to distribute profits equally between three " partners "—Resignation of directorship by one " partner " with waiver of rights to directors' fees and remuneration—Bankruptcy of that " partner "—Business sold and proceeds put on deposit—Distribution of profits among remaining two " partners "—Winding-up petition by bankrupt at instance of his trustee—Whether " just costs equitable to wind up "—Costs.
In re **K/9 Meat Supplies (Guildford) Ltd.,** Pennycuick J. [1966] 1 W.L.R. 1112.

Shares owned equally by two directors—One director running company with some assistance from other—Petition by assisting director based on conduct of other in running company—Petitioner alleging quasi-partnership—Additional ground of complaint not included in petition—Relevant time to consider whether just and equitable to order winding up. *In re* **Fildes Bros. Ltd.,** Megarry J. [1970] 1 W.L.R. 592.

Small company analogous to partnership—Unjustified exclusion of director from participation in company's affairs—" Just and equitable " to wind up—Whether " oppression to members of company "—Relevance of evidence extraneous to allegations in petition—Companies Act, 1948, ss. 210, 222 (*f*).
In re **Lundie Brothers Ltd.,** Plowman J. [1965] 1 W.L.R. 1051.

Lease

Provisional liquidator—Notice requiring election whether or not to disclaim lease—No election—Surrender of lease—Rent accruing before and after winding up order—Breach of covenants in lease—Liability to pay rent—Whether landlord could prove in liquidation for damages for failure to surrender lease with vacant possession—Whether lease a " contract "—Companies Act, 1948, s. 323 (4).
In re **A.B.C. Coupler & Engineering Co. Ltd. (No. 3),** Plowman J. [1970] 1 W.L.R. 702.

Liquidator

Appointment—Liquidation of company commenced by official receiver—Application by unsecured creditors for re-summoning of first meetings of creditors and contributories to consider application to registrar for appointment of liquidator in place of official receiver—Application supported by six other trade creditors—Applicants' and supporting creditors' debts amounting to more than half of debts owing to unsecured creditors as a class—Whether preliminary meeting of creditors necessary—Whether procedure by motion appropriate—Companies Act, 1948, ss. 239, 346.
In re **Manmac Farmers Ltd.,** Pennycuick J. [1968] 1 W.L.R. 572.

Appointment by resolution of members—No creditors' meeting—Whether appointment valid—Companies Act, 1948, ss. 293, 294.
In re **Centrebind Ltd.,** Plowman J. [1967] 1 W.L.R. 377.

Costs, charges and expenses incurred by official receiver in the course of winding up—Company's sole business ultra vires its memorandum of association—No assets available other than those resulting from ultra vires business—Whether liquidator entitled to his fees—Payment of costs, charges and other expenses incurred.
In re **Introductions Ltd. (No. 2) (Note),** Stamp J. [1969] 1 W.L.R. 1359.

Duty to deal with outstanding claims—Effect of delay on action against company—Companies Act, 1948, s. 302. **Austin Securities Ltd. v. Northgate & English Stores Ltd.,** C.A. [1969] 1 W.L.R. 529.

Legal position—Whether he " acquires " title to company's goods—Resale price maintenance—Companies Act, 1948, s. 244.
John Mackintosh & Sons Ltd. v. Baker's Bargain Stores (Seaford) Ltd., Browne J. [1965] 1 W.L.R. 1182.

Members' voluntary liquidation—Death of liquidator—Purported appointment of himself as liquidator by shareholder—Appointment made after departure of only other person entitled to be present at meeting—Whether appointment valid—Companies Act 1948, ss. 286 (1), 304. *In re* **London Flats Ltd.,** Plowman J. [1969] 1 W.L.R. 711.

Powers—Ex parte application by liquidator in voluntary winding up for examination of individuals—Procedure to discharge or vary order—Exercise of discretion by registrar and by judge—Companies Act, 1948, s. 268 (1) (2) (3).
In re **Rolls Razor Ltd.,** Megarry J. [1970] Ch. 576; [1970] 2 W.L.R. 100.

————Investigation of company's affairs by inspectors—Power of liquidator to obtain access to transcripts of evidence given before liquidator—Companies Act, 1948, s. 268.
In re **Rolls Razor Ltd.,** Buckley J. [1968] 3 All E.R. 698.

COMPANY—*continued.*

Winding up—*continued.*

Liquidator—continued.

Voluntary liquidation—Defaults by liquidator—Complaints by contributory but no application by contributories for compulsory liquidation—Application by official receiver for compulsory winding up under section 224 (2) of the Companies Act, 1948—Companies Act, 1948, ss. 224 (2), 304 (2).
In re **Ryder Installations Ltd.,** Buckley J. [1966] 1 W.L.R. 524.

————————Single default and delay by liquidator—Application by Official Receiver for compulsory winding up—Whether single act of misfeasance by liquidator sufficient—Voluntary winding up nearly completed—Whether proper case for compulsory winding up—Companies Act, 1948, s. 224 (2).
In re **J. Russell Electronics Ltd.,** Pennycuick J. [1968] 1 W.L.R. 1252.

Misfeasance

Misfeasance summons by liquidator against three directors—Conspiracy alleged—Summons by two directors to strike out misfeasance summons and bring proceedings by writ to enable them to claim indemnity in same action against other respondent—Whether two directors could bring claim of contribution and indemnity—Companies Act, 1948, s. 333 (1)—Companies (Winding-up) Rules, 1949, r. 68 (2)—R.S.C. (Rev. 1965), Ord. 16, r. 8 (1).
In re **Morecambe Bowling Ltd. (In Liquidation),** Pennycuick J. [1969] 1 W.L.R. 133.

Petition by Board of Trade—Evidence—Inspector's report to board—Whether admissible—Report made after hearing evidence and examining books—Report not challenged—Whether sufficient evidence to support petition—Companies Act, 1948, ss. 165, 169 (3).
In re **Travel & Holiday Clubs Ltd.,** Pennycuick J. [1967] 1 W.L.R. 711.

——————————Uncontested petition—Inspectors' report to board—Whether sufficient evidence to support petition—Companies Act, 1948, s. 169 (3).
In re **Allied Produce Co. Ltd.,** Buckley J. [1967] 1 W.L.R. 1469.

——————————Whether evidence filed by petitioner sufficient to support grave allegations in petition—Companies Act, 1948, ss. 165, 169 (3)—Companies (Winding-up) Rules, 1949, r. 4.
In re **A.B.C. Coupler and Engineering Co. Ltd.,** Buckley J. [1962] 1 W.L.R. 1236.

Petition

Avoidance of disposition of property after commencement of winding up—Discretion of court—Advantage of creditors and company that company continue trading—Winding up petition not known to directors until hearing listed—Application by company before hearing of petition—Payment of debts by company and dispositions of its property in ordinary course of business—Companies Act, 1948, s. 227.
In re **Operator Control Cabs Ltd.,** Whitford J. [1970] 3 All E.R. 657.

Company in substance a partnership—Contributory quasi-partner's petition—Company insolvent—Whether quasi-partner locus standi to present petition—Whether rights of quasi-partners determined by articles of association.
In re **Expanded Plugs Ltd.,** Plowman J. [1966] 1 W.L.R. 514.

"Contingent debt"—Defendants in action brought in name of company but without company's authority—Action stood over pending appointment of liquidator and his decision whether to adopt and ratify proceedings—Company's contingent liability to defendants for costs of the action if so ratified by liquidator—Whether defendants entitled to appear on hearing of winding-up petition.
In re **S.B.A. Properties Ltd.,** Pennycuick J. [1967] 1 W.L.R. 799.

Contributory's petition—Allegation that company insolvent—No allegation that surplus or possibility of surplus of assets available for distribution amongst shareholders—Whether petition demurrable—Whether relevant that company's affairs require investigation—Companies Act, 1948, s. 225 (1).
In re **Othery Construction Ltd.,** Buckley J. [1966] 1 W.L.R. 69.

————————Alleged deadlock between two contributories with equal holdings—Whether holder of the one other share holding as trustee for the two opposing contributories in equal shares—Whether ownership of share appropriate issue on winding-up petition. *In re* **Bambi Restaurant Ltd.,** Pennycuick J. [1965] 1 W.L.R. 750.

————————Less than six months on share register—Order that petitioner entitled to be registered made more than six months before petition—Company not party to proceedings—Petitioner not registered until two months before petition—When six months' period to run from—Whether petition demurrable—Companies Act, 1948, s. 224 (1). *In re* **Gattopardo Ltd.,** C.A. [1969] 1 W.L.R. 619.

"Creditor"—Debt disputed on substantial grounds—Whether prosecution of petitions abuse of process of court—Companies Act, 1948, s. 224.
Mann v. Goldstein, Ungoed-Thomas J. [1968] 1 W.L.R. 1091.

Creditor's petition—Dispute as to amount of debt—Insolvent company—Whether dispute sufficient answer to petition—Companies Act, 1948, ss. 222 (*e*) (*f*), 223.
In re **Tweeds Garages Ltd.,** Plowman J. [1962] Ch. 406; [1962] 2 W.L.R. 38.

COMPANY—*continued.*

Winding up—*continued.*

Petition—continued.

Industrial and Provident Society—Whether "just and equitable" to wind up—Alleged lack of probity in direction of company's affairs justifying lack of confidence—Use of share issue powers to maintain society—Whether alleged grounds for cancelling registration as Industrial and Provident Society sufficient to make winding up just and equitable—Winding up directed to purposes extraneous to interests of members as such—Whether petition oppressive and abuse of process of court—Companies Act, 1948, s. 222—Prevention of Fraud (Investments) Act, 1958, s. 10 (1) (2).
In re **Surrey Garden Village Trust Ltd.**, Plowman J. [1965] 1 W.L.R. 974.

Judgment creditor's petition for compulsory winding up—Opposition by majority of creditors—No evidence supporting opposition—Whether opposition of majority conclusive—Discretion of court—Companies Act, 1948, s. 346.
In re **P. & J. Macrae Ltd.**, C.A. [1961] 1 W.L.R. 229.

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—Weight to be given to wishes of majority—Discretion of court—Costs—Companies Act, 1948, ss. 222 (*e*) (*f*), 346. *In re* **A.B.C. Coupler and Engineering Co. Ltd.**, Pennycuick J. [1961] 1 W.L.R. 243.

——————————————————Third party proceedings by company against petitioner pending—Whether petitioner's prima facie right to order displaced by showing company's disputed subject of litigation elsewhere.
In re **Douglas Griggs Engineering Ltd.**, Pennycuick J. [1963] Ch. 19; [1962] 2 W.L.R. 893.

Judgment debt—Issue of writ of fieri facias by judgment creditor—Payment of debt by company to sheriff before presentation of petition—At date of presentation creditor unaware of payment—Locus standi of judgment creditor to present petition—Whether liable to pay company's costs on hearing of petition—Companies Act, 1948, ss. 224 (1), 326 (2). *In re* **William Hockley Ltd.**, Pennycuick J. [1962] 1 W.L.R. 555.

Minority shareholder, by—Private company—Directors' refusal to register transfer of shares—Shareholder's threat to present winding up petition—Whether petition misconceived—Alternative remedy available—Whether inherent jurisdiction to strike out petition—Whether company entitled to injunction restraining presentation of petition.
Charles Forte Investments Ltd. v. Amanda, C.A. [1964] Ch. 240; [1963] 3 W.L.R. 662.

Petitions in High Court and county court—County court petition presented day after High Court petition—Hearing of county court fixed four weeks after High Court hearing—Compulsory winding-up order made by High Court—County court petition transferred to High Court—Stay of further proceedings on county court petition.
In re **Audio Systems Ltd.**, Pennycuick J. [1965] 1 W.L.R. 1096.

"Seven clear days before hearing"—Whether Saturdays and Sundays to be included—Whether R.S.C. applicable—"Rules of the Supreme Court"—Companies (Winding-up) Rules, 1949, rr. 28, 227—R.S.C. (Rev. 1965), Ord. 1, r. 2 (1) (2); Ord. 3, r. 2 (1) (5).
In re **Display Multiples Ltd.**, Pennycuick J. [1967] 1 W.L.R. 571.

Stay—Judgment creditor's petition for compulsory winding up—Cross-claim by company against judgment creditor in excess of judgment debt—Genuine claim in foreign court—Cessation of trading by company—Company's lack of assets—Whether company should be wound up—Discretion of court—Companies Act, 1948, s. 225 (1).
In re **L.H.F. Wools Ltd.**, C.A. [1970] Ch. 27; [1969] 3 W.L.R. 100.

Supporting evidence—"Just and equitable" grounds—Shareholder's petition for winding up of solvent company—Opposition by one of two shareholders—Loss of confidence and deadlock alleged in petition—No supporting evidence—Whether statutory affidavit sufficient. *In re* **Davis Investments (East Ham) Ltd.**, C.A. [1961] 1 W.L.R. 1396.

Verifying affidavit sworn by divisional manager of petitioner company—Divisional manager not a principal officer of company—Power of attorney authorising deponent to present winding-up petition and swear affidavits in name of petitioner—Whether affidavit sufficient to support petition—Companies (Winding-up) Rules, 1949, r. 30.
In re **Vic Groves & Co. Ltd.**, Pennycuick J. [1964] 1 W.L.R. 956.

Preferential debt

Money advanced for payments to leaders of gangs under "labour only" subcontracts—Whether payments "made . . . to any . . . servant, workman or labourer in the employment of a company on account of wages or salary"—Companies Act, 1948, s. 319 (4). *In re* **C. W. & A. L. Hughes Ltd.**, Plowman J. [1966] 1 W.L.R. 1369.

Wages—Overdrawn account—Money advanced by bank without specific restriction—Common ground that would be used for wages—Whether advanced for purpose of paying wages—Whether bank entitled to preferential payment—Companies Act, 1948, s. 319 (1) (4). *In re* **Rampgill Mill Ltd.**, Plowman J. [1967] Ch. 1138; [1967] 2 W.L.R. 394.

COMPANY—*continued.*
Winding up—*continued.*
Preferential debt—continued.
Wages—Three bank accounts—Frozen account, current account and wages account—Payments to frozen account used only to reduce indebtedness to bank—Current account in credit in excess of amount to which wages account in debit—Whether debit in wages account money advanced for the purpose of paying wages—Whether bank entitled to preferential payment of debit—Mutual credit and set-off—Bankruptcy Act, 1914, s. 31—Companies Act, 1948, ss. 317, 319 (4).
In re **E. J. Morel (1934) Ltd.,** Buckley J. [1962] Ch. 21; [1961] 3 W.L.R. 57.

————Two bank accounts—Overdrawn current account—Overdrawn wages account—Periodic transfers from overdrawn current to overdrawn wages account — Whether amounts transferred money advanced for the purpose of paying wages—Whether bank entitled to preferential payment of debit in current account—Companies Act, 1948, s. 319 (4).
In re **James R. Rutherford & Sons Ltd.,** Pennycuick J. [1964] 1 W.L.R. 1211.

Quasi-partnership
Director removed from office—Exclusion from management—Whether ground for winding up—Companies Act, 1948, s. 222 (*f*).
In re **Westbourne Galleries Ltd.,** Plowman J. [1970] 1 W.L.R. 1378.

Receiver and manager
Proceedings against—Receiver and manager appointed by court on application of company—Dispute as to sums received by receiver—Whether company may sue receiver with leave of court—Whether court precluded from giving leave—Considerations of convenience.
L. P. Arthur (Insurance) Ltd. v. Sisson, Ungoed-Thomas J. [1966] 1 W.L.R. 1384.

Secured creditor
Debts—Preferential in part—Realisation of security—Application of sale proceeds—Whether secured creditor may choose to which debts proceeds should be applied.
In re **William Hall (Contractors) Ltd. (In Liquidation),** Plowman J. [1967] 1 W.L.R. 948.

Special manager
Special manager, directors appointed by court on application of provisional liquidator—" Undertaking " only to incur debts on specified items—Debts incurred on services not within items specified—Services part of outgoings resulting in receipts for work done—One transaction—Ratification of transaction by liquidator as principal—Whether creditor entitled to debt—Whether order effective—Companies Act, 1948, s. 263 (1).
In re **Mawcon Ltd.,** Pennycuick J. [1969] 1 W.L.R. 78.

Statutory undertaking
Company incorporated by special Act for provision of public services—Service no longer required—Registration of company—Whether power to abandon objects—Power of liquidator to sell land—Companies Act, 1948, Sch. 1, Table A, reg. 135.
In re **Salisbury Railway and Market House Co. Ltd.,** Buckley J. [1969] 1 Ch. 349; [1967] 3 W.L.R. 651.

Void dissolution
Surtax demand after final meeting—Members' voluntary liquidation—Account and return with note referring to demand sent to registrar and registered—Application for declaration that dissolution void—Whether " out of time "—Whether company " fully wound up " when return made—Companies Act, 1948, ss. 290, 352.
In re **Cornish Manures Ltd.,** Pennycuick J. [1967] 1 W.L.R. 807.

Voluntary liquidation
Carrying on business—Intention to transfer business to new chartered company—Objective not financial—Company's activities carried on pending transfer of business—Whether " for the beneficial winding up "—Companies Act, 1948, s. 281.
Willis v. Association of Universities of the British Commonwealth, C.A. [1965] 1 Q.B. 140; [1964] 2 W.L.R. 946.

Judgment creditor's petition for compulsory winding up—Opposition by majority of creditors—Whether opposition of majority conclusive—Whether judgment creditor's unsatisfied debt conclusive—Whether judgment creditor must show special circumstances requiring winding up—Discretion of court—Companies Act, 1948, s. 346.
In re **J. D. Swain Ltd.,** C.A. [1965] 1 W.L.R. 909.

Loan to company for specific purpose of paying dividend—Money paid into separate account at bank—Company's liquidation before payment of dividend—Bank's claim to set off—Whether money held on trust for lender.
Quistclose Investments Ltd. v. Rolls Razor Ltd., Plowman J. [1967] Ch. 910; [1967] 2 W.L.R. 1064.
C.A. [1968] Ch. 540; [1968] 2 W.L.R. 478.
H.L.(E.) [1970] A.C. 567; [1968] 3 W.L.R. 1097.

COMPANY—*continued.*

Winding up—*continued.*

Voluntary liquidation—*continued.*

Notices of meeting of creditors—Company subsequently required to honour guarantees in respect of debts—Debts thereupon assigned to assignee being a subsidiary of assignor company and debtor to company in voluntary liquidation—Whether notice of meeting of creditors analogous to filing of declaration of inability to pay debts under bankruptcy legislation—Whether assignee entitled to benefit of mutual credit and set-off—Companies Act, 1948, ss. 222, 293 (1), 317, 325 (1)—Bankruptcy Act, 1914, ss. 1 (1), 31, 40 (1), 167. *In re* **Eros Films Ltd.,** Buckley J. [1963] Ch. 565; [1963] 2 W.L.R. 496.

Service agreement with director providing as sole consideration pension for director's widow—Whether agreement reasonably incidental to carrying on company's business—Whether bona fide for the company's benefit or to promote its prosperity. *In re* **W. & M. Roith Ltd.,** Plowman J. [1967] 1 W.L.R. 432.

COMPENSATION (DEFENCE). *See* CROWN (**Prerogative**).

COMPULSORY PURCHASE. (*See also* HOUSING; TOWN PLANNING.)

Coast protection work

Compulsory purchase order in respect of land comprised in works scheme

No consideration by coast protection authority whether work could not be carried out except in the exercise of compulsory powers—Only part of land included necessary for coast protection work—No challenge to works scheme—Whether works scheme ultra vires—Whether power to carry out work—Whether land "required" for coast protection work—Validity of compulsory purchase order—"Compulsory powers"—Coast Protection Act, 1949, ss. 4, 6, 8, 14. **Webb v. Minister of Housing and Local Government,** Salmon L.J. [1964] 1 W.L.R. 1295; C.A. [1965] 1 W.L.R. 755.

Compensation

Agricultural holding

Tenancy from year to year—Part of land taken by Crown for motorway—Valuation of tenant's interest—"Loss and injury"—Severance and injurious affection—Applicability of Agricultural Holdings Act, 1948—Lands Clauses Consolidation Act, 1845, s. 121—Agricultural Holdings Act, 1948, s. 24 (1) (2) (*b*). **Minister of Transport v. Pettitt,** C.A. (1969) 67 L.G.R. 449.

Appropriate alternative development

Date at which planning permission might reasonably be expected to be granted—Whether date of deemed notice to treat—Date of "proposed" development—Land Compensation Act, 1961, ss. 17 (4), 22 (2). **Jelson Ltd. v. Minister of Housing and Local Government,** C.A. [1970] 1 Q.B. 243; [1969] 3 W.L.R. 282.

Date at which question whether planning permission would be granted to be considered—Whether at date of notice to treat—Whether "development plan" existing at date of notice to treat—Factors for consideration—Proposed development not in accordance with development plan—Previous refusal of planning permission—Whether binding—Whether question for consideration de novo—Land Compensation Act, 1961, ss. 14, 15, 16, 17 (4) (*a*) (*b*) (7), 18, 21, 22 (2) (3)—Town and Country Planning Act, 1962, ss. 12, 129, 132, 133. **Jelson Ltd. v. Minister of Housing and Local Government,** Browne J. (1969) 67 L.G.R. 126.

Effect—Conversion of land without planning permission into land with planning permission for purposes of compensation—Whether costs of obtaining certificate to be included in compensation. **Hull and Humber Investment Co. Ltd. v. Hull Corpn.,** C.A. [1965] 2 Q.B. 145; [1965] 2 W.L.R. 161.

Reasons stated by planning authority inaccurate—Confirmation by Minister for different reasons—Minister's reasons stated in accompanying letter—Original reasons left in confirmed certificate—Whether failure by Minister to comply with "relevant requirements"—Whether interests of party "substantially prejudiced"—Whether court entitled to quash Minister's action—Town and Country Planning Act, 1959, ss. 5, 6, 31. **Parrish v. Minister of Housing and Local Government,** Megaw J. (1961) 59 L.G.R. 411.

Assumption

Jurisdiction—Question affecting basis of compensation—Originating summons asking on construction of current development plan whether planning permission would be granted—Whether question of construction—Whether hypothetical—Whether raising justiciable issue—Matter within exclusive jurisdiction of Lands Tribunal—Land Compensation Act, 1961, ss. 1, 14 (1), 16 (3)—Control of Office and Industrial Development Act, 1965, s. 3. **Harrison v. Croydon London Borough Council,** Pennycuick J. [1968] Ch. 479; [1967] 3 W.L.R. 100.

COMPULSORY PURCHASE—*continued.*

Compensation—*continued.*

Assumption—continued.

Land designated for houses on town map—Refusal of permission to develop by reason of long-term road improvement proposals to ease traffic congestion—No scheme yet formulated—Notice to purchase served by landowner and accepted by corporation—Basis of compensation value of land with "planning permission which might reasonably have been expected . . . if no part of the relevant land were . . . to be acquired" compulsorily—Proposed by-pass over relevant land—Whether to be disregarded—Whether by-pass relieving existing traffic congestion to be assumed—Whether valuation on basis of assumed by-pass on another line leaving relevant land notionally available for immediate residential development—Land Compensation Act, 1961, s. 16 (2) (6) (*a*) (*b*) (7). **Devotwill Investments Ltd. v. Margate Corpn.,** C.A. [1969] 2 All E.R. 97; 67 L.G.R. 234.

Planning permission reasonably to be expected—Assumption that no part of reference land to be acquired—Proposed by-pass to relieve congestion inapplicable—Assumption of alternative route—Resulting relief of congestion—Justification for immediate full development of land—Assumption of permission therefor—Whether assumption of alternative route justified without evidence—Land Compensation Act, 1961, s. 16 (2) (7). **Devotwill Investments Ltd. v. Margate Corpn.,** H.L.(E.) [1970] 3 All E.R. 864.

Costs of claim

"Disturbance"—Meaning—House affected by road planning blight—Purchase notice served on compensating authority—Surveyor's fees incurred for formulating and agreeing compensation for land—Statute excluding from compensation following purchase notice "any amount attributable to disturbance"—Whether surveyor's costs "disturbance" or "any other matter not directly based on the value of land"—Whether included in compensation—Town and Country Planning Act, 1962, s. 143 (1) (*b*)—Land Compensation Act, 1961, s. 5 (6).

Lee v. Minister of Transport, C.A. [1966] 1 Q.B. 111; [1965] 3 W.L.R. 553.

Whether recoverable as part of compensation—Acquisition of agricultural land without planning permission—Claim to certificate of appropriate alternative development for residential use rejected by planning authority—Appeal to Minister—Grant of certificate for residential development after local inquiry by inspector—Agreed value of land based on residential development—Whether costs of successful appeal to Minister recoverable as compensation for loss resulting from compulsory acquisition—Land Compensation Act, 1961, ss. 5, 17, 18. **Hull and Humber Investment Co. Ltd. v. Hull Corpn.,** C.A. [1965] 2 Q.B. 145; [1965] 2 W.L.R. 161.

"Disturbance," for

Business premises compulsorily acquired—Counter-notice for purchase of whole premises accepted—Acquisition by claimant of alternative business premises—Failure of claimant to reinstate business in new premises owing to ill-health—Ill-health contemporaneous with but not caused by compulsory acquisition—Whether ill-health a factor for consideration in assessing compensation for disturbance—Whether claimant entitled to compensation for total extinguishment of business—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2. **Bailey v. Derby Corpn.,** C.A. [1965] 1 W.L.R. 213.

Equivalent reinstatement

Railway line compulsorily acquired—Claim for cost of reinstatement—Cost of reinstatement exceeding value of railway—"Compensation . . . may be assessed" on cost of reinstatement—Whether mandatory or permissive—Whether reasonable to allow claim—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, r. 5.

Festiniog Railway Co. v. Central Electricity Generating Board, C.A. (1962) 60 L.G.R. 157.

Relevant date for assessment of cost of reinstatement—Baptist chapel—Notice to treat in 1947—Site not allocated for new chapel until 1958—Commencement of work of reinstatement not possible until 1961—Cost of reinstatement in 1961 far greater than cost in 1947—Whether date of notice to treat or date of commencement of work relevant date—"Basis of . . . reasonable cost of equivalent reinstatement"—Acquisition of Land (Assessment of Compensation) Act, 1919, s. 2, r. 5—Land Compensation Act, 1961, s. 5, r. 5. **West Midland Baptist (Trust) Association (Inc.) v. Birmingham Corpn.,** C.A. [1968] 2 Q.B. 188; [1968] 2 W.L.R. 535. H.L.(E.) [1970] A.C. 874; [1969] 3 W.L.R. 389.

COMPULSORY PURCHASE—*continued.*

Compensation—*continued.*

" House "

Whether building is house " unfit for human habitation "—Power of court to interfere with Minister's decision—Whether fresh evidence admissible—Housing Act, 1957, s. 42 (1), Sch. 3, para. 4 (3), Sch. 4, para. 2.
Ashbridge Investments Ltd. v. Minister of Housing and Local Government, C.A. [1965] 1 W.L.R. 1320.

Injurious affection

Garage on busy road—Compulsory purchase of other land in vicinity for ring road scheme—Stopping up of road by Minister at request of highway authority, leaving garage in cul-de-sac—No compensation payable for damage caused by stopping up highway—Whether injurious affection to garage caused by execution of authorised works by highway authority or by separate act of Minister in stopping up highway—Whether compensation payable—Lands Clauses Consolidation Act, 1845, ss. 1, 2, 68—Highways Act, 1959, s. 214 (1)—Town and Country Planning Act, 1947, s. 49.
Jolliffe v. Exeter Corpn., Lawton J. [1967] 1 W.L.R. 350.
C.A. [1967] 1 W.L.R. 993.

Small pieces of owner's land taken for a trunk road—Remainder of land injured by use of trunk road constructed on land not taken—Measure of damages—" Veto principle "—Lands Clauses Consolidation Act, 1845, s. 63.
Edwards v. Minister of Transport, C.A. [1964] 2 Q.B. 134; [1964] 2 W.L.R. 515.

Lease with " break " clause

Notice to treat two months before first " break " opportunity—" Break " clause not operated—Effect on compensation—Whether leasehold interests should be valued as at date of notice to treat, or date of taking possession—Lands Clauses Consolidation Act, 1845, ss. 18, 121—Land Compensation Act, 1961.
Square Grip Reinforcement Co. (London) Ltd. v. Rowton Houses Ltd., Danckwerts L.J. [1967] Ch. 877; [1967] 2 W.L.R. 160.

' Private dwelling "

Interest purchased for value—Occupation by member of family entitled to residuary estate on intestacy—Unadministered estate—Whether interest on intestacy " interest in the house "—" Interest "—Housing Act, 1957, Sch. 2, Part II, paras. 4 (1) (2), 7.
Eastbourne Mutual Building Society v. Hastings Corpn., Plowman J. [1965] 1 W.L.R. 861.

Service tenancy—House bought by company—Rent-free occupation by employee as term of employment—Demolition under clearance order—Whether house occupied for business purposes—Whether occupied as private dwelling—" Private dwelling "—Housing Act, 1957, Sch. 2, Part II, paras. 4 (2), 6 (2).
G. E. Stevens (High Wycombe) Ltd. v. High Wycombe Corpn., Diplock J. [1962] 2 Q.B. 547; [1961] 3 W.L.R. 228.

Slum clearance

Basis of compensation—Whether fact of property being in clearance area to be taken into account—Town and Country Planning Act, 1959, s. 9 (2) (7) (*a*).
Davy v. Leeds Corpn., C.A. [1964] 1 W.L.R. 1218.
H.L.(E.) [1965] 1 W.L.R. 445.

Whether " indication " that land to be acquired compulsorily—Land Compensation Act, s. 9. **Hackney London Borough Council v. MacFarlane,** C.A. (1970) 68 L.G.R. 682.

Town development

Acquisition of land for—Residential and industrial purposes—Basis of valuation—Agreement to purchase agricultural land for new town on basis of notional compulsory purchase—Assumptions for determining price—Land scheduled for residential and industrial development—Whether acquired land to be valued by ignoring enhanced value attributable to new town development—Whether industrial land to be valued on basis of assumed actual grant of industrial development certificates—Land Compensation Act, 1961, ss. 6 (1), 15, 16, Sch. 1, Pt. 1—Town and Country Planning Act, 1962, s. 38.
Camrose (Viscount) v. Basingstoke Corpn., C.A. [1966] 1 W.L.R. 1100.

Compulsory purchase order

Extension of time

Request by local authority to extend time for submission—Property owners' not informed—Minister's discretion—" Circumstances of the particular case "—Whether discretion unfettered—Whether views of all possible objectors to be ascertained—Housing Act, 1957, s. 43 (4). **Aristides v. Minister of Housing and Local Government,** Willis J. [1970] 1 All E.R. 195; 68 L.G.R. 68.

COMPULSORY PURCHASE—*continued.*

Compulsory purchase order—*continued.*

Notice to treat

Property subject to unregistered tenancy—Validity of service—Single service on claimant with dual capacity—Trustee of freehold and occupier under agreement for lease—Acceptance of service as trustee—Whether agreement, not registered as estate contract, void against acquiring authority—Occupier's right to compensation—Land Charges Act, 1925, s. 13 (2)—Housing Act, 1957, ss. 59 (1) (2), 61, Sch. 2, Part II, para. 6.
Blamires v. Bradford Corpn., Pennycuick J. [1964] Ch. 585; [1964] 3 W.L.R. 226.

Validity—Change of intention by local authority as to use of land—Compulsory purchase order for acquisition of land for housing purposes—Subsequent intention of acquiring authority for erection of school—Anticipation of power to sell—" Thereon "—" Benefit of the land "—Housing Act, 1957, s. 105 (1) (*a*) (*b*)—Land Charges Act, 1925, s. 10.
Capital Investments Ltd. v. Wednesfield Urban District Council,
Wilberforce J. [1965] Ch. 774; [1964] 2 W.L.R. 932.

————Changed circumstances—Order for acquisition of land " for purposes of . . . Part V of Housing Act, 1936 "—Specific plan for development of owner's site—Provisional compensation agreed at current values—Delay in completion—Later changes in intended user and land values—Claim by owner that notice to treat and notice of entry no longer effective—No challenge to bona fides of acquiring authority's intention to acquire land for purpose stated in compulsory purchase order—No jurisdiction in court to declare notices invalid on ground of changed circumstances only—Housing Act, 1936, ss. 72, 73, 74 (as amended by Housing Act, 1949, Sch. 1).
Simpsons Motor Sales (London) Ltd. v. Hendon Corpn.,
C.A. [1963] Ch. 57; [1962] 3 W.L.R. 666.
H.L.(E.) [1964] A.C. 1088; [1963] 2 W.L.R. 1187.

————Tenancy for less than year—No request for possession—Claim for compensation to be assessed at date of notice to treat—Whether claim premature—Lands Clauses Consolidation Act, 1845, ss. 18, 63, 121.
Newham London Borough Council v. Benjamin, C.A. [1968] 1 W.L.R. 694.

Purchase notice

Permission for additional development—Permission within five years of acquisition—Additional compensation—Land possessing certificate for residential development—Development at 55 habitable rooms per acre—Acquiring authority obtaining permission for 100 rooms per acre—Increase constituting additional development—Land Compensation Act, 1961, ss. 23 (1) (2), 29 (1).
Enfield London Borough Council v. Lavendar Garden Properties Ltd.,
C.A. [1968] 2 All E.R. 401; 66 L.G.R. 544.

Undertakings given at public inquiry

Land acquired by local authority for road widening—Land occupied by tenants of local authority—Tenants' undertaking to give up possession of part when required by local authority—Compulsory purchase order covering whole of land—Inquiry—Undertaking given by local authority to presiding inspector—Whether binding on Minister—Cross-undertaking by tenants to litigate in county court—Proceedings to terminate tenancy under s. 57 (1) of Landlord and Tenant Act, 1954—Whether Minister entitled to issue certificate—Whether Minister's decision in accordance with principles of natural justice—Landlord and Tenant Act, 1954, s. 57 (1).
Reg. v. Minister of Transport, *Ex parte* **W. H. Beech-Allen Ltd.,**
Divl.Ct. (1963) 62 L.G.R. 76.

Validity

Houses unoccupied for long period—Houses in habitable condition—Local authority in need of housing accommodation for area—Local authority unable to purchase by negotiation—Houses compulsorily acquired—Whether order ultra vires—Whether acquired for purpose of providing further housing accommodation—Housing Act, 1957, ss. 91, 92, 96. **Moore v. Minister of Housing and Local Government,**
Lawton J. [1966] 2 Q.B. 602; [1965] 3 W.L.R. 209.

User of land in contravention of Act proposed—Site to be made available to freeholders for development—Confirmation by Minister—Whether order ultra vires—Jurisdiction of court—Housing Act, 1957, s. 47 (2), Sch. 4, para. 2.
London and Westcliffe Properties Ltd. v. Minister of Housing and Local Government,
Ashworth J. [1961] 1 W.L.R. 519.

Housing. *See* Housing.

Instrument of transfer

Covenants to be contained therein

Land Registration Act, 1925, s. 24 (1)—Land Registration Rules, 1925, r. 115.
In re **King, decd.,** Buckley J. [1962] 1 W.L.R. 632.

COMPULSORY PURCHASE—*continued.*

Meaning

Whether " purchase " or " sale "

Restrictive covenant—" Sale " of land benefited—Whether including compulsory purchase.
Marten v. Flight Refuelling Ltd., Wilberforce J. [1962] Ch. 115; [1961] 2 W.L.R. 1018.

Restrictive covenant

Defence

Compulsory purchase by Air Ministry of agricultural land used as aerodrome—Land subject to covenant not to use for non-agricultural purpose—Registered land charge—Occupation by commercial firm under licence—Land used partly for defence and partly for commercial activities—Whether Ministry bound by covenant—Whether commercial activities of firm precluded—Defence Act, 1842—Law of Property Act, 1925, s. 109. **Marten v. Flight Refuelling Ltd.**, Wilberforce J. [1962] Ch. 115; [1961] 2 W.L.R. 1018.

CONCURRENT FINDINGS OF FACT. *See* House of Lords.

CONFESSION. *See* Crime (**Evidence**).

CONFIDENTIAL INFORMATION. (*See also* Patent (**Confidential information**).)

Breach of confidence

Measure of damages

Whether value as between willing buyer and willing seller—Whether special circumstances and novelty of information to be taken into account.
Seager v. Copydex Ltd. (No. 2), C.A. [1969] 1 W.L.R. 809.

Protection by law

Master and servant

Whether protected from disclosure in open court—Tax avoidance—Injunction.
P. A. Thomas & Co. v. Mould, O'Connor J. [1968] 2 Q.B. 913; [1968] 2 W.L.R. 737.

CONFLICT OF LAWS

Admiralty

Maritime lien recognised by Italian law

Whether recognised by English law.
The Acrux, Hewson J. [1965] P. 391; [1965] 3 W.L.R. 80.

Adoption

Foreign parent

Child resident in England—English applicants—Jurisdiction of court to make adoption order—Adoption Act, 1958, s. 1.
In re **B. (S.) (An Infant)**, Goff J. [1968] Ch. 204; [1967] 3 W.L.R. 1438.

Succession

Settlement on " children "—Adopted children of foreign domicile—Adoption not recognised in adopter's domicile—Whether adopted children included in " children "—Adoption of Children Act, 1926, s. 5 (2).
In re **Valentine's Settlement**, Pennycuick J. [1965] Ch. 226; [1964] 3 W.L.R. 768; C.A. [1965] Ch. 831; [1965] 2 W.L.R. 1015.

Chose in action or debt

Situs

Whether foreign law of situs relevant—Insurance policies entered into in Egypt with Ontario company. **Rossano v. Manufacturers' Life Insurance Co.**, McNair J. [1963] 2 Q.B. 352; [1962] 3 W.L.R. 157.

Confiscatory or political legislation

Exchange control legislation

Effect on moneys payable under insurance policies—Place of performance.
Rossano v. Manufacturers' Life Insurance Co., McNair J. [1963] 2 Q.B. 352; [1962] 3 W.L.R. 157.

Status

Penal consequences—Settlement governed by English law—Power of withdrawal by settlor—Incapacity by law of domicile—Whether penal.
In re **Langley's Settlement Trusts**, C.A. [1962] Ch. 541; [1961] 3 W.L.R. 1169.

CONFLICT OF LAWS—*continued.*

Constitution of independent state

Validity

Declaration—Not ancillary to other relief—Independent state not a party to action—No submission by independent state to jurisdiction—Jurisdiction to make.
Buck v. Attorney-General, C.A. [1965] Ch. 745; [1965] 2 W.L.R. 1033.

Contract

Arbitration clause

Conflicting provisions—French company having registered place of business in London—Dispute with English company on agreement for sale of goods—Applicability of protocol on arbitration clauses—Arbitration Act, 1950, Sch. 1.
Brazendale & Co. Ltd. v. Saint Freres S.A., Mocatta J.
[1970] 2 Lloyd's Rep. 34.

Proper law

Contract of sale of Swedish ship—Real and close connection with Sweden—Provision for arbitration in London—Whether inference that English law proper law.
Tzortzis v. Monark Line A/B, C.A. [1968] 1 W.L.R. 406.

Curial laws distinguished—Contract negotiated in Paris between French shipowners and Tunisian company for transport of oil between Tunisian ports—Printed form in standard English tanker voyage charter form with additional typed clauses executed—Printed clause providing "This contract shall be governed by the laws of the flag of the vessel carrying the goods"—No vessel named—No flag nominated—Printed clause providing for arbitration in London—Additional clause that "shipment to be effected in tonnage owned, controlled or chartered by" French shipowners—Whether clause purporting to specify proper law capable of application where no vessel and no flag specified—Whether clause providing for arbitration in London carrying inference that proper law English.
Compagnie Tunisienne de Navigation S.A. v. Compagnie d'Armement Maritime S.A.,
Megaw J. [1969] 1 W.L.R. 449.
C.A. [1969] 1 W.L.R. 1338.
H.L.(E.) [1970] 3 W.L.R. 389.

Insurance policies entered into in Egypt—Insurance company's head office in Canada—Where moneys payable—Proper law of contract—Situs of debt—Contractual place of performance—Whether Egypt or Ontario—Whether Egyptian garnishee orders enforceable in England. **Rossano v. Manufacturers' Life Insurance Co.,**
McNair J. [1963] 2 Q.B. 352; [1962] 3 W.L.R. 157.

R.I.B.A. contract entered into for work to be done for English company in Scotland by Scottish company with nominated English architect—Whether proper law of contract English or Scottish — Tests to be applied in determining proper law of contract — Whether parties to contract entitled to agree as to proper law—Selection of R.I.B.A. contract—Place of performance—Relative weight to be attached to—Arbitration held in Scotland—Whether law of arbitration English or Scottish—Whether may be different from proper law of contract—Lex fori.
Whitworth Street Estates (Manchester) Ltd. v. James Miller & Partners Ltd.,
C.A. [1969] 1 W.L.R. 377.
H.L.(E.) [1970] A.C. 583; [1970] 2 W.L.R. 728.

Whether overriding statute based on international convention—Warsaw Convention.
Corocraft Ltd. v. Pan American Airways Inc.,
Donaldson J. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 714.

Copyright

Assignment

Whether assignable—Law of state creating copyright applicable.
Campbell Connelly & Co. Ltd. v. Noble, Wilberforce J. [1963] 1 W.L.R. 252.

Foreign law

Assignment of "full copyright in all countries" and all present and future rights of assignor in copyright—Publication in United States of America—Acquisition of copyright there by assignor—"Original" and "renewal" copyright in United States of America—Whether renewal copyright comprised in assignment to assignee.
Campbell Connelly & Co. Ltd. v. Noble, Wilberforce J. [1963] 1 W.L.R. 252.

Diplomatic immunity

International organisation

Plaintiff's petition to European Commission of Human Rights rejected—Action against president and secretary of commission—Retirement of president prior to action—Whether both defendants entitled to immunity from legal process—Whether commission "organ" of council — "Words . . . and acts done . . . in official capacity" — International Organisations (Immunities and Privileges) Act, 1950, ss. 1, 2 — Council of Europe (Immunities and Privileges) Order, 1960, arts. 11, 12.
Zoernsch v. Waldock, C.A. [1964] 1 W.L.R. 675.

CONFLICT OF LAWS—*continued.*

Divorce. *See* HUSBAND AND WIFE.

Domicile. (*See also* HUSBAND AND WIFE (**Divorce**; *foreign decree*).)

Change

Abandonment of domicile of origin and acquisition of domicile of choice—Standard of proof.
In the Estate of Fuld, decd. (No. 3), Scarman J. [1968] P. 675; [1966] 2 W.L.R. 717.

Divorce jurisdiction—Husband's acquisition of English domicile of choice—Husband's petition for divorce—Revival of domicile of origin—Whether jurisdiction to entertain prayer for divorce in wife's answer—Matrimonial Causes Act, 1965, s. 40 (1).
Leon v. Leon, Baker J. [1967] P. 275; [1966] 3 W.L.R. 1164.

English origin—Domicile acquired in United States—Whether lost—Income Tax Act, 1952, s. 132. **Fielden v. Inland Revenue Comrs.**, Cross J. (1965) 42 T.C. 501.

Marriage between Mohammedans polygamous at inception—Husband's subsequent acquisition of English domicile—Whether marriage monogamous after change of domicile—Jurisdiction. **Ali v. Ali,** Cumming-Bruce J. [1968] P. 564; [1966] 2 W.L.R. 620.

Standard of proof—Absence of intention to return without positive intention never to return—Whether mere absence of intention sufficient.
In re **Flynn, decd.,** Megarry J. [1968] 1 W.L.R. 103.

Whether foreign company can change domicile of own volition—Whether another proper law may be substituted for law of the primary domicile.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 3),
Buckley J. [1970] Ch. 506; [1969] 3 W.L.R. 991.

Divorce

Whether wife reverts to former domicile.
Faye v. Inland Revenue Comrs., Cross J. (1961) 40 T.C. 103.

Divorce jurisdiction

Foreign decree obtained by husband domiciled in England—Recognition by English court.
Blair v. Blair, Cumming-Bruce J. [1969] 1 W.L.R. 221.

Origin of

Domicile of dependence—Change of domicile of dependence—Whether domicile of origin domicile of dependence at birth or at majority.
Henderson v. Henderson, Sir Jocelyn Simon P. [1967] P. 77;
[1965] 2 W.L.R. 218.

Evidence, rule of

Adjectival or substantive law

Proof of marriage by certificate—Whether substantive or technical or procedural provision.
Mahadervan v. Mahadervan, Divl.Ct. [1964] P. 233;
[1963] 2 W.L.R. 271.

Foreign judgment

Act of 1933

Action in personam—Action in Belgium against English company—No submission to foreign jurisdiction—Judgment against company—Registration of judgment—Principle of registration under Act—Foreign Judgments (Reciprocal Enforcement) Act, 1933, s. 4 (2). **Societe Cooperative Sidmetal v. Titan International Ltd.,** Widgery J.
[1966] 1 Q.B. 828; [1965] 3 W.L.R. 847.

Effect—Action in England raising same issues—Whether execution upon foreign judgment should be stayed—R.S.C., Ord. 47, r. 1 (1) (*a*)—Foreign Judgments (Reciprocal Enforcement) Act, 1933, s. 2 (2). **Ferdinand Wagner v. Laubscher Bros. & Co.,**
C.A. [1970] 2 Q.B. 313; [1970] 2 W.L.R. 1019.

Divorce decree

Decree on jurisdictional basis not recognised in English law at time of granting—Subsequent change in English law—Whether retrospective operation to validate decree—Nationality as a basis of recognition.
Indyka v. Indyka, Latey J. [1967] P. 233; [1966] 2 W.L.R. 892.
C.A. [1967] P. 233; [1966] 3 W.L.R. 603.
H.L.(E.) [1969] 1 A.C. 33; [1967] 3 W.L.R. 510.

CONFLICT OF LAWS—*continued.*

Foreign judgment—*continued.*

Implied submission to foreign jurisdiction

Judgment against partnership firm in Austria—Sleeping partner resident in England—Partner's name entered in Austrian commercial register—Whether implied submission to jurisdiction of Austrian court—Whether judgment recognised by English court—Austrian judgment not enforceable against partners personally—Personal defences available in Austria—Whether judgment final and conclusive—Whether enforceable.
Blohn v. Desser, Diplock J. [1962] 2 Q.B. 116; [1961] 3 W.LR.. 719.

Issue estoppel

Judgment by court of country with unrecognised government.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 2), H.L.(E.) [1967] 1 A.C. 853; [1966] 3 W.L.R. 125.

Whether decision of competent foreign court on trade mark matters capable of creating estoppel in this country.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 3), Buckley J. [1970] Ch. 506; [1969] 3 W.L.R. 991.

Jurisdiction to enforce

Alleged submission to jurisdiction—Claim by plaintiffs on judgment of Sudanese Court—Appeal by defendant in Sudanese Appeal Court—Whether defendant submitted to jurisdiction of Sudanese Court or was estopped by Sudanese Appeal Court decision in respect of any issue of fact. **N.V. Daarnhouwer & Co. Handelmaats v. Boulos,** Megaw J. [1968] 2 Lloyd's Rep. 259.

Ascertainment of debt in German bankruptcy proceedings—Entries in bankruptcy table stating debt ascertained—No power to determine disputed claims—Whether procedure administrative or judicial—Whether ascertainment final and conclusive judgment for fixed sum enforceable in England—Date of ascertainment by German law—Whether the cause of action in England statute barred—Limitation Act, 1939, s. 2 (1) (*a*) (4).
Berliner Industriebank Aktiengesellschaft v. Jost, Brandon J. [1970] 3 W.L.R. 743.

Supreme Court of State of New York—Appellate process in New York not exhausted—Order 14 summons for judgment for sterling equivalent of New York judgment debt—Application for leave to defend—Evidence of attitude of sister states on enforceability of New York judgment pending outcome of appellate proceedings—Whether relevant to question of "final and conclusive" judgment in England—Whether judgment of State of New York final and conclusive—R.S.C. (Rev. 1965), Ord. 14.
Colt Industries Inc. v. Sarlie (No. 2), C.A. [1966] 1 W.L.R. 1287.

Writ served whilst defendant visiting England—Defendant neither resident nor submitting to the jurisdiction—Whether English courts have jurisdiction.
Colt Industries Inc. v. Sarlie, Lyell J. and C.A. [1966] 1 W.L.R. 440.

Offending against substantial justice

Affecting person within British jurisdiction—Discretion to refuse recognition—Maltese decree of nullity.
Gray (orse. Formosa) v. Formosa, C.A. [1963] P. 259; [1962] 3 W.L.R. 1246.
Lepre v. Lepre, Sir Jocelyn Simon P. [1965] P. 52; [1963] 2 W.L.R. 735.

Infant

Comity

Foreign parents—Wardship—Care and control given to English couple—No order of foreign court—Request by parents for child's return—Whether principles of comity apply to natural rights without court order.
J. v. C., H.L.(E.) [1970] A.C. 668; [1969] 2 W.L.R. 540.

Jurisdiction. (*See also* HUSBAND AND WIFE.)

Contract

Marriage—Right to dower arising out of polygamous marriage contract—Whether enforceable by English courts.
Shahnaz v. Rizwan, Winn J. [1965] 1 Q.B. 390; [1964] 3 W.L.R. 759.

Divorce. See HUSBAND AND WIFE.

Lis alibi pendens. See PRACTICE (**Stay of proceedings**).

Persons subject to

Foreign national resident and domiciled abroad—No power in English court to make effective order—Immunity from service of process.
Wyler v. Lyons, Sir Jocelyn Simon P. [1963] P. 274; [1963] 2 W.L.R. 610.

Settlement

Variation of trusts—Discretion where settlement has foreign elements—Variation of Trusts Act, 1958, ss. 1, 2. *In re* **Paget's Settlement,** Cross J. [1965] 1 W.L.R. 1046.

CONFLICT OF LAWS—*continued.*

Jurisdiction—*continued.*

Submission to. *See* **Foreign judgment; Sovereign immunity.**

Submission to foreign jurisdiction

Australia—" This agreement is governed by and construed under the Laws of England "—Whether amounting to a submission to jurisdiction of English Courts—Application to set aside registration of English High Court judgment in New South Wales Court—N.S.W. Administration of Justice Act, 1924–1957, s. 5.
Dunbee Ltd. v. Gilman & Co. (Australia) Pty. Ltd., N.S.W., C.A. [1968] 2 Lloyd's Rep. 394.

Proceedings in foreign court in breach of contract not to bring proceedings—Whether to be restrained by injunction—Convenience of litigating questions of foreign law of succession in foreign court. **Settlement Corpn. v. Hochschild,** Ungoed-Thomas J. [1966] Ch. 10; [1965] 3 W.L.R. 1150.

Stay of proceedings in England—Principles governing grant of stay.
The Eleftheria, Brandon J. [1970] P. 94; [1969] 2 W.L.R. 1073.

Legitimacy

Bastardy proceedings

Whether test of illegitimacy by English law or lex domicili—Child illegitimate according to English law—Presumption that illegitimate by law of another Commonwealth country. **Buckeridge v. Hall,** Divl.Ct. [1963] 1 Q.B. 614; [1963] 3 W.L.R. 354.

Marriage. (*See also* HUSBAND AND WIFE.)

Comity

Parties to intended marriage not free to marry in country of domicile—Effect on parties' capacity to marry—Whether lawful impediment to English marriage.
Reg. v. Brentwood Superintendent Registrar of Marriages, *Ex parte* **Arias,** D.C. [1968] 2 Q.B. 956; [1968] 3 W.L.R. 531.

Nullity. *See* HUSBAND AND WIFE.

Power of appointment

General power

Power contained in English settlement—English will blending settled funds with general estate — Testator domiciled abroad — Law of domicile not cognisant of powers of appointment—Whether settled funds subject to law of domicile.
In re **Khan's Settlement,** Russell L.J. [1966] Ch. 567; [1965] 3 W.L.R. 1291.

Revenue laws

Whether enforceable in other state

Garnishee orders in Egypt in favour of Egyptian revenue authorities.
Rossano v. Manufacturers' Life Insurance Co., McNair J. [1963] 2 Q.B. 352; [1962] 3 W.L.R. 157.

Scottish and English law. *See* JUDICIAL PRECEDENT.

Settlement

Capacity to exercise power

Power of withdrawal by settlor—Power contained in English settlement—Order of foreign court appointing guardian of settlor—Settlor of sound mind in English law—Exercise of power by settlor—Whether appointment of foreign guardian to be disregarded—Whether " penal "—Whether exercise of power effective.
In re **Langley's Settlement Trusts,** Buckley J. [1961] 1 W.L.R. 41. C.A. [1962] Ch. 541; [1961] 3 W.L.R. 1169.

Effect of proper law

Tax legislation elsewhere—Whether affecting beneficial rights—Canadian settlement—Estate duty in England—Finance Act, 1894, s. 9 (6).
In re **Latham, decd.,** Wilberforce J. [1962] Ch. 616; [1961] 3 W.L.R. 1154.

Sovereign immunity

Diplomatic immunity

Act of 1964—Waiver—Technical administrative officer—Tenancy agreement with officer employed by diplomatic mission—Alleged breach of agreement—Action for damages stayed on production of certificate that tenant a member of mission staff—Act modifying privilege of technical and administrative officers—Act passed while action subsisting—Effect—Diplomatic Immunity (Commonwealth Countries and Republic of Ireland) Act, 1952, s. 1 (3)—Diplomatic Privileges Act, 1964, s. 4, Sch. 1, arts. 31, 37.
Empson v. Smith, C.A. [1966] 1 Q.B. 426; [1965] 3 W.L.R. 380.

Time of immunity—Claim against member of staff of High Commissioner's staff—Diplomatic status arising after issue of writ—Whether action should be stayed—Whether continuance would infringe immunity—Diplomatic Privileges Act, 1708, ss. 1, 3, 4, 6—Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, s. 1. **Ghosh v. D'Rozario,** C.A. [1963] 1 Q.B. 106; [1962] 3 W.L.R. 405.

CONFLICT OF LAWS—*continued.*

Sovereign immunity—*continued.*

Diplomatic immunity—*continued.*

Waiver—Crime—Clerk employed by Indian High Commissioner—Purported waiver by defendant at committal proceedings—Fact of immunity not known to court of trial until after conviction—Waiver by High Commissioner three months after trial—Whether conviction valid—Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, s. 1 (5).
Reg. v. Madan, C.C.A. [1961] 2 Q.B. 1; [1961] 2 W.L.R. 231.

Diplomatic privileges

"Private residence of diplomatic agent"—Premises in London occupied by representative of one faction to Nigerian civil war after departure therefrom of "diplomatic agent"—Occupier claiming possession as of right—Occupier evicted by police on executive instructions following diplomatic request for assistance—Whether premises at material time "private residence of a diplomatic agent"—Duty to "protect . . . premises . . . against intrusion"—Whether applicable where ownership in dispute—"Appropriate steps"—Whether occupier entitled to mandatory injunction—Diplomatic Privileges Act, 1964, Sch. 1, arts. 22 (1) (2), 30 (1), 31 (1) (*a*).
Agbor v. Metropolitan Police Comr., C.A. [1969] 1 W.L.R. 703.

Tort

Damages

Assessment of—Heads of damages—Accident between British residents abroad—Basis of assessment provided by local law—Whether heads of damage to be assessed according to English or local law—Whether "proper law of the tort" applicable.
Boys v. Chaplin, Milmo J. [1968] 2 Q.B. 1; [1967] 3 W.L.R. 266.
C.A. [1968] 2 Q.B. 1; [1968] 2 W.L.R. 328.
H.L.(E.) [1969] 3 W.L.R. 322.

Passing off

Liquor prepared by admixing whisky from Scotland with spirit produced in Ecuador—Sold in Ecuador as Scotch Whisky—"Scotch Whisky" a trade description—Ecuadorian law of passing off similar to English law—Whether English courts right forum.
John Walker & Sons Ltd. v. Henry Ost & Co. Ltd., Foster J. [1970] 1 W.L.R. 917.

Will. (*See also* WILL (**Validation by Act of 1861**).)

Testator domiciled abroad

Settlement—Valid trusts by foreign law—Death of tenant for life in England—Proper law of disposition. *In re* **Levick's Will Trusts,** Plowman J. [1963] 1 W.L.R. 311.

CONSPIRACY. (*See also* CRIME; TRADE DISPUTE.)

Defence to overt act

Whether available in action for conspiracy

Conspiracy to defame—Defamatory statements absolutely privileged—Gist of action for conspiracy—Agreement plus overt act causing damage.
Marrinan v. Vibart, Salmon J. [1963] 1 Q.B. 234; [1962] 2 W.L.R. 1224.
C.A. [1963] 1 Q.B. 528; [1962] 3 W.L.R. 912.

Restraint of trade

Football player

Retention and transfer system. **Eastham v. Newcastle United Football Club Ltd.,** Wilberforce J. [1964] Ch. 413; [1963] 3 W.L.R. 574.

Unlawful means

Meaning of "unlawful"

Acts neither criminal nor tortious—Lawful protection of interest—Trade dispute.
Rookes v. Barnard, C.A. [1963] 1 Q.B. 623; [1962] 3 W.L.R. 260.

CONSTRUCTION. *See* CONTRACT; EVIDENCE; PARTNERSHIP (**Deed**); SETTLEMENT; SEVERABILITY.

CONTEMPT OF COURT

Appeal

Chancery Division

Notice of appeal—"Proper officer"—Administration of Justice Act, 1960, s. 13 (1)—R.S.C., Ord. 58, r. 20 (1).
Practice Direction (Contempt), Ch.D. [1961] 1 W.L.R. 339.

County court, from

Bankruptcy proceedings—Committal order by county court—Whether appeal lies to Divisional Court or Court of Appeal—Administration of Justice Act, 1960, s. 13 (2) (*b*).
In re **Rudkin-Jones (A Bankrupt),** *Ex parte* **The Bankrupt v. The Trustee of the Property of the Bankrupt,** Ch.D. [1964] 1 W.L.R. 1470.

Parties to appeal—Assault on bailiff executing civil process—Complaint by bailiff—Sentence of imprisonment for contempt of court—Application for release pending appeal against sentence—Notice of motion served on registrar of county court—Notice not served on bailiff—Whether bailiff party to the proceedings "directly affected by the appeal"—Whether notice of motion and of appeal to be served on bailiff—R.S.C., Ord. 58, r. 20 (1) (2) (3)—Administration of Justice Act, 1960, s. 13.
Brown v. Crowley, C.A. [1963] 1 W.L.R. 1102.

CONTEMPT OF COURT—*continued.*

Appeal—*continued.*

Justices, from

Committal order to enforce justices' custody order under Matrimonial Proceedings (Magistrates' Courts) Act, 1960—Whether a "matrimonial order"—Whether appeal lies to Divisional Court of the Probate, Divorce and Admiralty Division—Administration of Justice Act, 1960, s. 13—R.S.C., Ord. 109, r. 2 (2).
B. (B. P. M.) v. B. (M. M.), D.C. [1969] P. 103; [1969] 2 W.L.R. 862.

Probate, etc., Division

Notice of appeal—"Proper officer"—Administration of Justice Act, 1960, s. 13 (1)—R.S.C., Ord. 58, r. 20 (1).
Practice Direction (Contempt: Appeals: Probate), P.D.A. [1961] 1 W.L.R. 551.

Restrictive Practices Court

Notice of appeal—"Proper officer"—Administration of Justice Act, 1960, s. 13 (1)—R.S.C., Ord. 58, r. 20 (1). **Practice Direction (Contempt: Restrictive Practice),** R.P.Ct. (1961) L.R. 2 R.P. 230; [1961] 1 W.L.R. 560.

Application for attachment or committal

Whether by motion or summons

Civil contempt—Divorce Division—R.S.C., Ord. 52, r. 1—Matrimonial Causes Rules, 1957, rr. 3 (5), 63.
Dent v. Dent and Hall, Scarman J. [1962] P. 187; [1962] 2 W.L.R. 793.

Civil contempt

Breach of injunction

Application for committal—Injunction to restrain divulging or use of confidential information—True nature of confidential information concealed in plaintiffs' affidavits—Defendants' memorandum giving their understanding of plaintiffs' schemes sent to competitors in order to ascertain whether plaintiffs' schemes in fact novel—Whether breach of injunction—Whether breach may be inferred.
P. A. Thomas & Co. v. Mould, O'Connor J. [1968] 2 Q.B. 913; [1968] 2 W.L.R. 737.

Breach of undertaking

Counsel's advice that price notification scheme not in breach of undertaking—Whether breach of undertaking contempt of court—Whether counsel's advice mitigating factor.
In re **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement,** R.P.Ct. (E. & W.) [1966] 1 W.L.R. 1137.

Company, by

Breach of consent, order not to use a name in business of ladies' hairdressers—Whether breach "wilful"—R.S.C., Ord. 42, r. 31.
Steiner Products Ltd. v. Willy Steiner Ltd., Stamp J. [1966] 1 W.L.R. 986.

Breach of undertakings given pursuant to order made by consent—Directors not served with court order but knew of it and procured the breaches—Whether personally liable for breaches of undertakings of prohibitive character given by company.
Ronson Products Ltd. v. Ronson Furniture Ltd., Stamp J. [1966] Ch. 603; [1966] 2 W.L.R. 1157.

Failure to comply with order of civil court—Power to commit—Whether power to fine—Directors—Powers of court—R.S.C., Ord. 42, r. 31; Ord. 44, r. 2.
Phonographic Performance Ltd. v. Amusement Caterers (Peckham) Ltd., Cross J. [1964] Ch. 195; [1963] 3 W.L.R. 898.

"Wilfully disobeyed"—Committal and sequestration—Injunction by consent to abate nuisance—Steps to abate ineffective—Whether disobedience of court order "wilful"—R.S.C., Ord. 42, r. 31.
Worthington v. Ad-Lib Club Ltd., Stirling J. [1965] Ch. 236; [1964] 3 W.L.R. 1094.

Injunction

Aiding and abetting breach—Aiders and abettors not parties to action—Remedy.
Elliot v. Klinger, Stamp J. [1967] 1 W.L.R. 1165.

Subpoena

Motion for committal for alleged breach of injunction—Material witness not called—Whether judge had power to issue subpoena or subpoena duces tecum without consent of parties. **Yianni v. Yianni,** Cross J. [1966] 1 W.L.R. 120.

Civil or criminal contempt

Failure to perform order of civil court

Peer of the realm—Privilege from arrest—Parliamentary privilege.
Stourton v. Stourton, Scarman J. [1963] P. 202; [1963] 2 W.L.R. 397.

CONTEMPT OF COURT—*continued.*

Committal order

Civil contempt

Period of detention, determination of—Third committal order—Application for release—Power to fix future date for release.
Yager v. Musa, C.A. [1961] 2 Q.B. 214; [1961] 3 W.L.R. 170.

County court

Injunction against obstructing right of way—Continuing obstruction after order made—Summons to commit for contempt—Defendant's denial of specific obstructions—Committal order served on prescribed form—Particular matter of contempt not set out in space provided—Committal order bad—County Court Rules, 1936, Ord. 25, r. 68 (4), Form 195. **McIlraith v. Grady,** C.A. [1968] 1 Q.B. 468; [1967] 3 W.L.R. 1331.

Ex parte motion, on

Breach of order restraining husband from molesting wife—Injunction not served on husband—Husband's knowledge of injunction—Whether husband guilty of contempt—Jurisdiction—R.S.C., Ord. 42, r. 7.
Husson v. Husson, Lyell J. [1962] 1 W.L.R. 1434.

Jurisdiction of Divorce Division—Breach of undertaking to court not to molest wife—Inherent jurisdiction—R.S.C., Ord. 52, r. 3.
Hipgrave v. Hipgrave, Scarman J. [1962] P. 91; [1962] 2 W.L.R. 1.

Motion to commit for breach—Circumstances in which court should order committal on ex parte application. **Warwick Corpn. v. Russell,** Buckley J. [1964] 1 W.L.R. 613.

Justices

Jurisdiction—Breach of order—Whether contempt—Whether justices power to commit for two months—Whether power to suspend sentence—Magistrates' Courts Act, 1952, s. 54.
B. (B. P. M.) v. B. (M. M.), D.C. [1969] P. 103; [1969] 2 W.L.R. 862.

Open court, in

Wardship proceedings—Whether hearing in open court required—Whether practice to give judgment or statement of judgment in open court—R.S.C., Ord. 44, r. 2 (4) (*a*).
In re **An Infant (Contempt),** Stamp J. [1965] 1 W.L.R. 754.

Restrictive Practices Court

Execution on authority of warrant signed by presiding judge or judge sitting as member of court. **Practice Direction (Contempt: Restrictive Practice),**
R.P.Ct. (1961) L.R. 2 R.P. 230; [1961] 1 W.L.R. 560.

Standard of proof

Managing director of company in liquidation—Failure to produce account books—Application by liquidator for committal for contempt—Accidental destruction of books—Judge's disbelief of evidence—Surmise that books still in director's possession—Whether entitled to commit for contempt—Proof beyond reasonable doubt.
In re **Bramblevale Ltd.,** C.A. [1970] Ch. 128; [1969] 3 W.L.R. 699.

Suspended sentence

Breach of condition of suspension—Wardship proceedings—Whether sentence automatic on breach—Court's discretion.
In re **W. (B.) (An Infant),** C.A. [1969] 2 Ch. 50; [1969] 2 W.L.R. 99.

Counsel

Statement to court disparaging court

Allegation of improbability of impartial inquiry—Statement made on instructions—Industrial Court (Ceylon).
Vidyasagara v. The Queen, P.C. [1963] A.C. 589; [1963] 2 W.L.R. 1033.

Judicial decision

Criticism of court

Criticism of Court of Appeal in newspaper article—Inaccuracies of fact—Overriding importance of right to freedom of speech—Court not immune from criticism.
Reg. v. Comr. of Police of the Metropolis, *Ex parte* **Blackburn (No. 2),**
C.A. [1968] 2 Q.B. 150; [1968] 2 W.L.R. 1204.

Mens rea

Breach of undertaking

Undertaking by companies to Restrictive Practices Court not to give effect to price agreement or make similar arrangement—Agreement replaced by price notification scheme—Advice by counsel scheme not in breach of undertaking—Lack of supervision and concern by higher management of companies—Whether breach of undertaking—Whether breach contumacious or reckless—Whether non-contumacious breach contempt of court—Whether penalty should be imposed.
In re **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 49; [1966] 1 W.L.R. 1137.

CONTEMPT OF COURT—*continued.*

Mens rea—*continued.*

Breach of undertaking—*continued.*

Undertaking given by representative respondent on behalf of company—Agreement forbidding discounts to non-members—Undertaking not to give effect to agreement—Copy of undertaking received at company's office—Responsible officers of company unaware of undertaking—Discount refused to non-member—Whether breach of undertaking—Whether contempt of court—Whether penalty should be imposed.
In re **Garage Equipment Association's Agreement,** R.P.Ct.(E. & W.) (1964) L.R. 4 R.P. 491.

Undertaking not to give effect to agreement—Agreement comprising schedules of charges—Dispatch of schedule to potential purchaser—Dispatch due to bad office organisation—Whether breach of undertaking—Whether contempt of court—Whether penalty should be imposed. *In re* **National Federated Electrical Association's Agreement,** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 447.

Party to proceedings in contempt

Bar to relief

Disregard of court order—Party in contempt not personally served with order but with knowledge of it—Rule that unpurged contempt bar to relief—Whether limited to proceedings in same cause—Wife's action for arrears of alimony—Husband's summons to stay proceedings because wife in contempt of court order—Wife's application that summons be dismissed because contempt not in same cause—Judicial discretion to stay proceedings. **Bettinson v. Bettinson,** Plowman J. [1965] Ch. 465; [1965] 2 W.L.R. 448.

Pending proceedings

Criminal proceedings not yet instituted

Television interview with company director—Director arrested shortly afterwards—Whether capable of amounting to contempt—Relevance of knowledge that criminal proceedings likely—Whether fair trial in fact prejudiced—Whether ground of appeal.
Reg. v. Savundranayagan, C.A. [1968] 1 W.L.R. 1761.

Prejudicing court

Discussion of rights of party in pending action—Article in national newspaper—Whether contempt of court—Whether publication such as to affect mind of judge—Publication unlikely to influence witnesses—Whether real and grave risk that likely to prejudice fair trial of action—Allegation of damage to plaintiffs' reputation as traders—Relevance.
Vine Products Ltd. v. Green, Buckley J. [1966] Ch. 484; [1965] 3 W.L.R. 791.

Newspaper article likely to prejudice fair trial—Danger of defendant not having fair trial—Effect—Whether fair trial prejudiced—Whether account to be taken of contemnor's statements in relation to facts of case.
Reg. v. Malik, C.A. [1968] 1 W.L.R. 353.

Prejudicing fair trial

Culpability of contemnor — Newspaper — Derogatory remarks about accused — Whether serious contempt—Newspaper's established system of legal advice and scrutiny to avoid contempt—Breakdown of system because of human element—Editor unaware of happenings—Whether editor expected to have knowledge—Whether imposition of penalty on editor necessary. **Reg. v. Thomson Newspapers Ltd.,** *Ex parte* **Attorney-General,** Divl.Ct. [1968] 1 W.L.R. 1.

Libel—Action against newspaper—Right of defendant and other newspapers to publish further criticism of plaintiff after issue of writ—Whether at risk of proceedings for contempt of court. **Thomson v. Times Newspapers Ltd.,** C.A. [1969] 1 W.L.R. 1236.

Practice

Application in wardship proceedings

Whether by originating motion or motion in wardship proceedings—Threats to witness in proceedings—Form of motion—Evidence by formal affidavit exhibiting statements—Defects in wording of motion and affidavits—Whether compliance with essential safeguards—Whether mere technical irregularities—Effect.
In re **B. (J. A.) (An Infant),** Cross J. [1965] Ch. 1112; [1965] 3 W.L.R. 253.

Restrictive practices. *See* RESTRICTIVE PRACTICES.

Sentence

Admiralty

Arrested ship—Master breaking arrest of ship—Appropriate penalty.
The Jarlinn, Hewson J. [1965] 1 W.L.R. 1098.

Criminal contempt

Civil trial—Interference by students' disturbance—Students under 21—Imprisonment for three months—Powers of judge—Whether lawful sentence—Criminal Justice Act, 1948, s. 17 (2)—Criminal Justice Act, 1967, s. 39 (1) (3).
Morris v. Crown Office, C.A. [1970] 2 Q.B. 114; [1970] 2 W.L.R. 792.

Committal to prison for fixed period—No jurisdiction to discharge though contempt purged.
Attorney-General v. James, Divl.Ct. [1962] 2 Q.B. 637; [1962] 2 W.L.R. 740.

CONTEMPT OF COURT—*continued.*

Sentence—*continued.*

Criminal contempt—*continued.*

Good character exacerbating circumstance—Appeal—Plea in mitigation—Maximum sentence of imprisonment for assault on bailiff—Appeal against sentence—Whether evidence of previous good character admissible—Evidence to be adduced on affidavit—Previous good character not extenuating circumstance—County Courts Act, 1959, s. 30—Administration of Justice Act, 1960, s. 13. **Crowley v. Brown**, C.A. [1964] 1 W.L.R. 147.

Wardship proceedings—Threats to potential witnesses—Committal for fixed period of four weeks. *In re* **B. (J. A.) (An Infant)**, Cross J. [1965] Ch. 1112; [1965] 3 W.L.R. 253.

Sequestration. *See* SEQUESTRATION.

Tort, whether a

Victimisation of witness

Proceedings terminated—Whether action lies for damages—Landlord's victimisation of tenant. **Chapman v. Honig**, C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Witness, by

Refusal to answer question

Tribunal of inquiry—Inquiry into security matters—Refusal by journalist to give source of information—Offence certified to High Court—Trial by single judge—Tribunals of Inquiry (Evidence) Act, 1921, s. 1 (2) (*b*).

Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.

Attorney-General v. Mulholland. Attorney-General v. Foster, C.A. [1963] 2 Q.B. 477; [1963] 2 W.L.R. 658.

Summary conviction

Opportunity to be given to answer charge—Perjury by witness—Ceylon.

Appuhamy v. The Queen, P.C. [1963] A.C. 474; [1963] 2 W.L.R. 375.

Witnesses, influencing

Pending proceedings

Threats intended to prevent witness giving evidence in wardship proceedings—Whether intended to prejudice the course of justice.

In re **B. (J. A.) (An Infant)**, Cross J. [1965] Ch. 1112; [1965] 3 W.L.R. 253.

Proceedings terminated

Restrictive Practices Court—Evidence given by official of trade federation—Hostility and disapproval of federation members—Subsequent purported deprivation of witness's offices—Whether likely to deter witnesses in future cases—Relevance of possibility of future proceedings—Whether contempt. **Attorney-General v. Butterworth**, R.P.Ct. (E. & W.) (1961) L.R. 3 R.P. 1; [1962] 1 Q.B. 534; [1962] 2 W.L.R. 70. C.A. (1962) L.R. 3 R.P. 327; [1963] 1 Q.B. 696; [1962] 3 W.L.R. 819.

Tenant's evidence on subpoena in action by former fellow-tenant against landlord—Notice to quit served on tenant—Intention to punish tenant—Whether notice valid—Whether lawful exercise of contractual right—Whether tenant has cause of action for damages. **Chapman v. Honig**, C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Restrictive Practices Court

Questionnaire to customers—Whether influencing witnesses.

Practice Note (Questionnaire to Customers), R.P.Ct. (1961) L.R. 2 R.P. 169.

CONTRA BONOS MORES

Common law misdemeanour. *See* CRIME.

CONTRACT

Abrogation

New agreement

Service agreement—New service agreement entered into—Whether whole of old agreement abrogated or merely inconsistent terms.

S. W. Strange Ltd. v. Mann, Stamp J. [1965] 1 W.L.R. 629.

Agreement to compromise action

Personal injury claim

Agreement to accept sum in settlement "of all claims, whether now or hereafter to become manifest, arising directly or indirectly, from an accident"—Whether plaintiff's claim compromised.

Saunders v. Ford Motor Co. Ltd., Paull J. [1970] 1 Lloyd's Rep. 379.

Arbitration clause. *See* ARBITRATION.

Building. *See* BUILDING.

Burden of proof. *See* BURDEN OF PROOF.

CONTRACT—*continued.*

Condition or warranty. (*See also* **Repudiation.**)

Insurance

Indemnity against legal liability for loss of goods in transit—Loss due to theft by dishonest driver—Whether terms of due diligence clause "condition" or "warranty"—Whether clause limited to taking of "physical" precautions for protecting goods—Loss of goods—Causation.
W. & J. Lane v. Spratt, Roskill J. [1970] 2 Q.B. 480; [1969] 3 W.L.R. 950.

Intermediate stipulation

Undertaking, character of depending on nature of breach—Carriage by sea—Undertaking of seaworthiness. **Hongkong Fir Shipping Co. Ltd. v. Kawasaki Kisen Kaisha Ltd.,** C.A. [1962] 2 Q.B. 26; [1962] 2 W.L.R. 474.

Suspensive condition

Provision of log-book implicit on sale or hire-purchase of motor-car.
Bentworth Finance Ltd. v. Lubert, C.A. [1968] 1 Q.B. 680; [1967] 3 W.L.R. 378.

Waiver

Warranty to inform insurer—Insurer informed by third party—Whether warranty fulfilled. **Barrett Bros. (Taxis) Ltd. v. Davies,** C.A. [1966] 1 W.L.R. 1334.

Conflict of laws. *See* CONFLICT OF LAWS.

Consideration

Debtor and creditor

Acceptance of cheque in settlement for lesser sum than amount due—Whether settlement binding. **D. & C. Builders Ltd. v. Rees,** C.A. [1966] 2 Q.B. 617; [1966] 2 W.L.R. 288.

Definition

Consideration moving from person other than promisee—Jus quaesitum tertio—Whether existing—Malaysia—Contracts Ordinance (No. 14 of 1950), s. 2 (*a*) (*b*) (*c*) (*d*) (*e*).
Kepong Prospecting Ltd. v. Schmidt, P.C. [1968] A.C. 810; [1968] 2 W.L.R. 55.

Elements

Payment for services—Claim for services to company "prior to . . . formation"—Whether company able to bind itself to pay for services claimed to have been rendered before incorporation — Inclusion of ineffective element not preventing another element from constituting valid consideration—Services rendered after incorporation and before date of agreement to pay—Valid consideration—Malaysia—Contracts Ordinance (No. 14 of 1950), s. 2 (*d*).
Kepong Prospecting Ltd. v. Schmidt, P.C. [1968] A.C. 810; [1968] 2 W.L.R. 55.

Vendor and purchaser

Agreement under seal regulating use of land—Covenant by local authority to exercise statutory powers—Whether void covenant whole consideration for option.
Triggs v. Staines Urban District Council, Cross J. [1969] 1 Ch. 10; [1968] 2 W.L.R. 1433.

Whether ascertainable from instrument—Past consideration.
Savage v. Uwechia, P.C. [1961] 1 W.L.R. 455.

Construction

Contemplation of further contract

Whether a suspensive condition.
Cranleigh Precision Engineering Ltd. v. Bryant, Roskill J. [1965] 1 W.L.R. 1293.

Deletion of clause

Relevance. **Tradax S.A. v. Volkswagenwerk A.G.,** Megaw J. [1969] 2 Q.B. 599; [1969] 2 W.L.R. 498.

Whether court should ignore deleted terms.
Thomas Borthwick (Glasgow) Ltd. v. Bunge & Co., Browne J. [1969] 1 Lloyd's Rep. 17.

Exceptions clause. *See* **Exceptions clause.**

Extrinsic evidence

Deed—Right of way—Dominant tenement not identified in grant—Evidence of grantees' intention for future use of land—Whether admissible.
The Shannon Ltd. v. Venner Ltd., C.A. [1965] Ch. 682; [1965] 2 W.L.R. 718.

Hire-purchase—Evidence to show true nature of transaction.
Campbell Discount Co. Ltd. v. Gall, C.A. [1961] 1 Q.B. 431; [1961] 2 W.L.R. 514.

"Guarantee"

Specialists "guaranteeing" efficacy of treatment of timber or masonry for eradication of dry rot—"Will retreat free of charge any such timber or masonry showing signs of reinfestation during . . . 10 years . . ."—Extent of specialists' liability on reinfestation within 10 years—Whether common law obligation negatived or extended—Whether to be construed contra proferentem.
Adams v. Richardson & Starling Ltd., C.A. [1969] 1 W.L.R. 1645.

CONTRACT—*continued.*

Construction—*continued.*

Incorporation

Whether arbitration clause in charterparty incorporated in bill of lading — Principles applicable. **The Merak,** Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

Indemnity clause

Highway authority employing contractor for roadworks—Works carried out by subcontractor—Unsuccessful action by impecunious and legally aided plaintiff—Costs irrecoverable against plaintiff—Whether contractor bound to indemnify highway authority as employer—Subcontractor bound to indemnify contractor for costs of proceeding—I.C.E. Conditions of Contract, 4th ed., Jan. 1955, cl. 22 (1).
Richardson v. Buckinghamshire County Council, Ormrod J. (1970) 68 L.G.R. 662.

Supply of gas—Consumers to indemnify gas board against claims for injury or damage "caused by any action . . . of the consumers, their servants or agents whether arising directly or indirectly out of the supply of any gas or apparatus"—Escape of gas from faulty main—Explosion touched off by act of consumers' employee—Negligence—Board mainly liable—Whether entitled to be indemnified for own negligence.
Lowery v. Vickers Armstrong (Engineers) Ltd., C.A. (1969) 8 K.I.R. 603.

Meaningless term. (*See also* ARBITRATION (**Arbitration clause**).)

By letter addressed "to X at his address"—Death of X—Whether letter so sent valid demand—Bank charge—"References to X to include his" personal representatives—None constituted. **Barclays Bank Ltd. v. Kiley,** Pennycuick J. [1961] 1 W.L.R. 1050.

Land—Alleged agreement to convey in promissory note—Price unascertainable—Claim for specific performance—Failure of consideration—No relationship of vendor and purchaser. **Savage v. Uwechia,** P.C. [1961] 1 W.L.R. 455.

Plant hire

Indemnity—Hire of crane for discharge of timber—Hirer's acceptance of responsibility for all damage "arising, directly or indirectly, out of or in connection with . . . use of the . . . crane"—Accident to docker while unloading timber—Accident caused by negligence of capstan driver employed by owners in moving wagon to which timber to be lowered—Crane driver's attempt to move timber from docker—Docker knocked off wagon—Judgment for dockers against owners—Whether a loss arising "in connection with . . . use" of crane—Liability of hirers to indemnify owners.
Wright v. Tyne Improvement Comrs., C.A. [1968] 1 W.L.R. 336.

Printed or typed

Typed clause construed as overriding printed clause.
The Brabant, McNair J. [1967] 1 Q.B. 588; [1966] 2 W.L.R. 909.

Printed or written

Printed form with additional clause written in—Whether additional clause to be given greater weight than printed form.
Riley v. Coglan, Ungoed-Thomas J. [1967] 1 W.L.R. 1300.

"*Reasonable time*"

Repairs to motor vehicle to be executed within a reasonable time—Test for determining reasonable time—Whether subjective or objective.
Charnock v. Liverpool Corpn., C.A. [1968] 1 W.L.R. 1498.

Repugnancy

Falsa demonstratio non nocet—Statutory power—Misdescription of—Minister's approval of grant of licence—Approval stated to be in exercise of powers under repealed statute—Power contained in later Act—Inconsistency between intention and literal effect of document—Whether a nullity.
Finbow v. Air Ministry, McNair J. [1963] 1 W.L.R. 697.

Falsa demonstratio non nocet cum de corpore constat—Absence of corpus evident—Whether maxim applicable—"Clause 30" referred to in document in error for "clause 32."
The Merak, Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

"*Similar theme*"

Exhibition hall—Exhibition hall let for food and drink exhibition—Restriction against letting to other exhibition "having a similar theme"—Subsequent letting for exhibition of food, drink and manufactured goods of particular country—Whether "similar theme"—Whether subsequent letting in breach of restriction.
Modern Exhibition Services Ltd. v. Cardiff Corpn., MacKenna J. (1965) 63 L.G.R. 316.

Singular or plural

Partnership deed—Power of other partners to expel one—Whether singular including plural and vice versa—Law of Property Act, 1925, s. 61.
In re **A Solicitors' Arbitration,** Russell J. [1962] 1 W.L.R. 353.

Ut res magis valeat quam pereat

Illegality—Lease—Implied term—User of cellars as restaurant—Ventilation required by health regulations—Easement of necessity implied.
Wong v. Beaumont Property Trust Ltd., C.A. [1965] 1 Q.B. 173; [1964] 2 W.L.R. 1325.

CONTRACT—*continued.*

Construction—*continued.*

Ut res magis valeat quam pereat—continued.

Uncertainty—Lease—Condition for change of rent on notice—Whether void for uncertainty
Greater London Council v. Connolly, C.A. [1970] 2 Q.B. 100: [1970] 2 W.L.R. 658.

Yacht

Notice of "defects"—Provision for notice if defects "found"—"Found"—Arbitration clause providing for arbitration in respect of "any dispute difference or question" arising—Notice of defects served by purchaser—Purchaser's genuine belief in defects—Defects denied by vendor—Whether existence of defects arbitrable—Whether notice of defects valid if no material defects in fact.
Docker v. Hyams, C.A. [1969] 1 W.L.R. 1060.

Custom or usage

Admissibility in construing contract

Stock Exchange—Put option transactions—Whether plaintiff disqualified under rules regulations and usages of the Stock Exchange from declaring the options—Whether usage that only a member of the Stock Exchange could declare options—Whether usage reasonable—Whether option contracts subject to "best delivery" usage—Proof of usage.
Cunliffe-Owen v. Teather & Greenwood, Ungoed-Thomas J. [1967] 1 W.L.R. 1421.

Notoriety of custom

Practice of solicitors to retain deposit interest on general sum taken out of client account.
Brown v. Inland Revenue Comrs., H.L. (Sc.) [1965] A.C. 244; [1964] 3 W.L.R. 511.

Exceptions clause

Breach of fundamental term

Bailment—Carriage of goods—Non-delivery of carton—Limitation clause in contract—Customer ignorant of clause—Whether fundamental breach—Alleged trade usage—Whether carrier liable in full for loss.
Firchuk and Firchuk v. Waterfront Cartage, York County Court (Toronto), [1969] 2 Lloyd's Rep. 533.

————Carriage of goods by land—Theft of goods by carrier's dishonest driver—Carrier's employment of driver without obtaining references—Limitation of carrier's liability to £50 per gross cwt. "in respect of loss or damage to goods"—Whether negligent employment of driver a fundamental breach—Whether driver's theft a fundamental breach—Whether limitation of liability clause applicable.
John Carter (Fine Worsteds) Ltd. v. Hanson Haulage (Leeds) Ltd., C.A. [1965] 2 W.L.R. 495; [1965] 2 W.L.R. 553.

Hire-purchase—Unroadworthy car.
Charterhouse Credit Co. Ltd. v. Tolly, C.A. [1963] 2 Q.B. 683; [1963] 2 W.L.R. 1168.

Road haulage—Sub-contract without authorisation—Valuable consignment—No adequate check on sub-contractor—Whether fundamental breach of contract—Whether conversion—Applicability of Road Haulage Association's Conditions of Carriage, 1961.
Garnham, Harris & Elton Ltd. v. Alfred W. Ellis (Transport) Ltd., Paull J. [1967] 1 W.L.R. 940.

Burden of proof

No evidence as to how loss occurred—Carriage of goods by road—Limitation of carrier's liability in respect of loss "however sustained"—Goods lost in transit—No evidence of circumstances in which goods lost—No allegation in statement of claim that goods lost owing to a deviation from contract—Onus of proof.
Hunt & Winterbotham (West of England) Ltd. v. B.R.S. (Parcels) Ltd., C.A. [1962] 1 Q.B. 617; [1962] 2 W.L.R. 172.

Car left for parking

Garage not accepting liability for loss—Car left unlocked on attendant's instructions—Representation by attendant that contents would be safe—Valuables stolen by attendant—Whether exception clause operative—Performance of contract in different way from that promised—Whether exception clause operative.
Mendelssohn v. Normand Ltd., C.A. [1970] 1 Q.B. 177; [1969] 3 W.L.R. 139.

Car park

Van taken from car park—Load stolen—Liability of car park proprietors—Whether licence or bailment—Effect of exemption conditions—Whether proprietors in fundamental breach by releasing van without ticket.
B.G. Transport Service Ltd. v. Marston Motor Co. Ltd., Bean J. [1970] 1 Lloyd's Rep. 371.

Conversion

Bailment—Misdelivery by garage of car to thief—Larceny by a trick—Bailee relieved of "all liability for loss . . . however caused"—No responsibility for loss or misdelivery ". . . arising from any cause including negligence"—Meaning of "loss"—Innocent but mistaken and negligent act of bailee's servant—Liability of bailee.
Hollins v. J. Davy Ltd., Sachs J. [1963] 1 Q.B. 844; [1963] 2 W.L.R. 201.

CONTRACT—*continued.*

Exceptions clause—*continued.*

Fundamental breach of contract

Breach of fundamental term—Difference between.
Suisse Atlantique Société d'Armement Maritime S.A. v. N.V. Rotterdamsche Kolen Centrale, H.L.(E.) [1967] 1 A.C. 361; [1966] 2 W.L.R. 944.

Printed clause limiting liability to contract value—Defective system installed in factory—Defects curable at low cost if installation tested—System negligently turned on before testing—Factory destroyed by resulting fire—Whether quality of breach affected by results—Whether limited liability clause rendered inoperative by breach bringing contract to an end. **Harbutt's "Plasticine" Ltd. v. Wayne Tank and Pump Co. Ltd.,** C.A. [1970] 1 Q.B. 447; [1970] 2 W.L.R. 198.

Hire-purchase agreement

Fundamental breach.
Charterhouse Credit Co. Ltd. v. Tolly, C.A. [1963] 2 Q.B. 683; [1963] 2 W.L.R. 1168.

"No warranty as to fitness for any purpose"—Breach of fundamental term—Whether hirer protected.
Yeoman Credit Ltd. v. Apps, C.A. [1962] 2 Q.B. 508; [1961] 3 W.L.R. 94.

——————————Whether owner protected. **Astley Industrial Trust Ltd. v. Grimley,** C.A. [1963] 1 W.L.R. 584.

Negligence

Plant hire—Liability of hirers of excavator and owner for negligence of driver—Driver deemed to be servant of hirer—"Hirer alone shall be responsible for all claims arising in connection with the operation of the plant"—Driver's failure to lower boom of excavator and to maintain brakes—Accident to engineer—Whether owners of equipment exempted from liability.
Spalding v. Tarmac Civil Engineering Ltd., C.A. [1966] 1 W.L.R. 156.
H.L.(E.) [1967] 1 W.L.R. 1508.

Ship's passenger—Injury due to chair collapsing—Exemption clause in passenger's ticket conditions—Whether condition legible or understandable by ordinary passenger—Whether effect of conditions misrepresented by shipowners' agents.
Budd v. Peninsular and Oriental Steam Navigation Co., Paull J. [1969] 2 Lloyd's Rep. 262.

Vessel damaged by lying aground at bad berth—Notice purporting to exempt dock-owner from liability—Whether exemption from liability for acts of dock-owner's servants—Whether exemption from liability for negligence.
The Ballyalton, Karminski J. [1961] 1 W.L.R. 929.

Tenancy agreement

Tenant's undertaking to employ landlord in packing all tenant's goods—Landlord not "in any circumstances" responsible for damage caused by water to "any goods"—Damage to tenant's goods by water escaping from cistern in water closet retained in landlord's possession—Landlord's liability.
Akerib v. Booth and Others Ltd., C.A. [1961] 1 W.L.R. 367.

Third party, whether benefited

Force majeure "labour disputes" clause—Effect—Whether clause defence to trade union officials interfering with contract between hotel and oil company.
Torquay Hotel Co. Ltd. v. Cousins, C.A. [1969] 2 Ch. 106; [1969] 2 W.L.R. 289.

Validity

Whether clause so wide as to render contract a nullity—Contract of towage.
The Tradesman, Karminski J. [1962] 1 W.L.R. 61.

Formation

Consensus ad idem

Sale of ship—Agreement "subject to satisfactory running trials"—"Subject contract"—Whether binding agreement reached.
John Howard & Co. (Northern) Ltd. v. J. P. Knight Ltd., Megaw J. [1969] 1 Lloyd's Rep. 364.

Tender authorising variations in work—Changes in work before acceptance—Acceptance of tender after work begun—Retrospective effect of contract.
Trollope & Colls Ltd. v. Atomic Power Constructions Ltd., Megaw J. [1963] 1 W.L.R. 333.

Uncertainty—Agreement for lease to contain other conditions reasonably required by lessors—Whether concluded contract.
Sweet & Maxwell Ltd. v. Universal News Services Ltd., C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

——————Agreement for lease with no date specified for commencement—Whether concluded contract. **Harvey v. Pratt,** C.A. [1965] 1 W.L.R. 1025.

——————Agreement to purchase land at reasonable valuation—Whether concluded contract. **Talbot v. Talbot,** C.A. [1968] Ch. 1; [1967] 3 W.L.R. 438.

CONTRACT—*continued.*
Formation—*continued.*
Heads of agreement
Whether effective as contract.
Cranleigh Precision Engineering Ltd. v. Bryant, Roskill J. [1965] 1 W.L.R. 1293.

Intention to create legal relationship
Arrangement whereby worker carried fellow-worker to work on motor-cycle.
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

Collective agreement between employer and trade unions—Agreement reached by joint negotiating committee—Regulation of procedure and conditions of employment—No express provision for agreement to be actionable at law—Climate of opinion adverse to enforceability—Whether intention to create legally enforceable agreement.
Ford Motor Co. Ltd. v. Amalgamated Union of Engineering and Foundry Workers, Geoffrey Lane J. [1969] 2 Q.B. 303; [1969] 1 W.L.R. 339.

Contribution to cost of petrol incurred by friend in driving plaintiff on journey by car—Whether giving rise to legal contract.
Buckpitt v. Oakes, John Stephenson J. [1968] 1 All E.R. 1145.

Husband and wife—Hire-purchase by husband of car for wife—Registered in her name.
Spellman v. Spellman, C.A. [1961] 1 W.L.R. 921.

Issue of training licences by Jockey Club—Repeated refusal to issue licences to woman trainer—Grant of licences to male employees—Whether contract between Jockey Club and woman applicant for licence—Whether refusal of licence because applicant a woman contrary to public policy—Sex Disqualification (Removal) Act, 1919, s. 1.
Nagle v. Feilden, C.A. [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027.

Meeting between employers and trade union—Intention to agree—Promise by employers to make "ex gratia" payment to employees leaving through redundancy—Whether employees a legally enforceable right to payment—"Ex gratia."
Edwards v. Skyways Ltd., Megaw J. [1964] 1 W.L.R. 349.

Uncertainty—Husband and wife—Separation—Husband's agreement to pay wife £15 a week as long as he had it—Whether intention to enter into legal relations.
Gould v. Gould, C.A. [1970] 1 Q.B. 275; [1969] 3 W.L.R. 490.

——————————Husband's agreement to transfer matrimonial home to wife's sole ownership—Whether intention to enter into legal relations.
Merritt v. Merritt, C.A. [1970] 1 W.L.R. 1211.

————Inter-family arrangement—Mother's offer to maintain adult daughter whilst latter studied for professional qualification—Subsequent provision of house for use of daughter—Whether terms too vague and uncertain to be enforceable—Whether family arrangement without intention of creating legally binding contract.
Jones v. Padavatton, C.A. [1969] 1 W.L.R. 328.

"Without prejudice"—Claim for damages for personal injuries—"Without prejudice" negotiations for settlement—Whether court entitled to look at correspondence between parties to determine whether binding agreement arrived at—Whether privileged—Whether binding agreement possible as to part only of matter in dispute—Protection of "without prejudice" negotiation—Public interest.
Tomlin v. Standard Telephones and Cables Ltd., C.A. [1969] 1 W.L.R. 1378.

Notice of conditions
Car parking garage—Exclusion of liability for loss or damage—Notice at reception desk—Whether notice of terms established—Attendant's oral representation that contents safe—Whether overriding printed conditions.
Mendelssohn v. Normand Ltd., C.A. [1970] 1 Q.B. 177; [1969] 3 W.L.R. 139.

Carriage by sea—Exclusion of liability for negligence—No document signed by consignor—Signature required sometimes in previous similar transactions—Whether knowledge of terms established.
McCutcheon v. David Macbrayne Ltd., H.L. (Sc.) [1964] 1 W.L.R. 125.

United States contract—Ship—Ticket conditions—Limitation of action—Whether reasonable warning of conditions given to passenger by shipowner—Whether conditions applicable to action in rem.
Silvestri v. Italia Societa per Azioni di Navigazione, U.S. Ct. of Appeals (Second Circuit) [1968] 1 Lloyd's Rep. 263.

Offer and acceptance
Irrevocable offer—Whether a juristic possibility—Option.
Varty v. British South Africa Co., C.A. [1965] Ch. 508; [1964] 3 W.L.R. 698.

Long-term hiring of goods—Agreement only to become binding by signature on owner's behalf—Whether acceptance notified to hirer—Whether binding contract—Whether appeal lies from county court on point not expressly taken below.
Robophone Facilities Ltd. v. Blank, C.A. [1966] 1 W.L.R. 1428.

CONTRACT—*continued.*

Formation—*continued.*

Offer and acceptance—continued.

Motor vehicle insurance—Issue of cover note pending renewal of policy—Whether accepted by assured. **Taylor v. Allon,** Divl.Ct. [1966] 1 Q.B. 304; [1965] 2 W.L.R. 598.

Motor vehicle repair—Owner taking vehicle damaged in collision to garage for repair—Payment to be made by insurers—Estimate sent to and accepted by insurers—Whether contract with owner. **Charnock v. Liverpool Corpn.,** C.A. [1968] 1 W.L.R. 1498.

Offer to purchase motor-car under hire-purchase agreement—Motor-car damaged before offer accepted—Whether offer capable of acceptance.
Financings Ltd. v. Stimson, C.A. [1962] 1 W.L.R. 1184.

Statutory contract—Leasehold enfranchisement—Prescribed notice in alternative form—Desire for freehold or extended lease—Tenant's mistake known to landlords—Effect—Leasehold Reform Act, 1967, ss. 1 (1), 5 (1), 8 (1), 14 (1), 34 (1) (2) (4), Sch. 3.
Byrnlea Property Investments Ltd. v. Ramsay, C.A. [1969] 2 Q.B. 253; [1969] 2 W.L.R. 721.

Stipulated mode of communicating acceptance—Acceptance by different method—Whether delay in acceptance tantamount to refusal.
Manchester Diocesan Council for Education v. Commercial & General Investments Ltd., Buckley J. [1970] 1 W.L.R. 241.

Subsequent negotiations—Whether existence of previously concluded contract affected.
British Guiana Credit Corpn. v. Da Silva, P.C. [1965] 1 W.L.R. 248.

Theatre knocked down to plaintiff at auction sale at £26,000—Subsequent dispute as to whether plaintiff's bid, the only bid at that figure, or highest bid—Theatre put up for sale again, and knocked down to the plaintiff again, at £37,500, the plaintiff bidding under protest—Memorandum signed by auctioneer at higher figure, on plaintiff's refusal to sign it—No memorandum at lower figure—Whether auctioneer's duty to plaintiff to have signed memorandum at lower figure on behalf of vendors—Whether contract created at lower figure—Whether " dispute . . . respecting a bid "—National Conditions of Sale, 17th ed. (1959), Condition 2 (1) (3) (4).
Richards v. Phillips, Pennycuick J. [1969] 1 Ch. 39; [1968] 2 W.L.R. 14.

" Subject to X "

Arrangement for purchase of yacht " subject to a satisfactory survey "—Whether a concluded contract—Whether survey should be objectively or subjectively satisfactory.
Astra Trust Ltd. v. Adams and Williams, Megaw J. [1969] 1 Lloyd's Rep. 81.

Subsequent negotiations

Concluded agreement unaffected.
Davies v. Sweet, C.A. [1962] 2 Q.B. 300; [1962] 2 W.L.R. 525.

Time

Evidence—Date on face of document—Whether prima facie evidence of execution on that date—Onus probandi of different date of execution lying on person seeking to establish execution on different date—Malaysia.
Kepong Prospecting Ltd. v. Schmidt, P.C. [1968] A.C. 810; [1968] 2 W.L.R. 55.

Trading transactions

Whether contract formed—Whether enforceable if arrangements fulfilled.
Garnac Grain Co. Inc. v. H. M. F. Faure & Fairclough Ltd., C.A. [1966] 1 Q.B. 680; [1965] 3 W.L.R. 934.
H.L.(E.) [1968] A.C. 1130; [1967] 3 W.L.R. 143.

Fraud. *See* FRAUD.

Fraudulent misrepresentation. *See* FRAUD (**Misrepresentation**).

Frustration

C.i.f. contract

Usual and customary route via Suez blocked—Whether performance " a thing radically different from that which was undertaken by the contract "—Whether parties " must have made " contract on basis of continued availability of canal.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., H.L.(E.) [1962] A.C. 93; [1961] 2 W.L.R. 633.

Charterparty

Closure of Suez Canal in 1967—Voyage via Cape of Good Hope instead of Suez Canal—Whether excess freight payable.
The Captain George K., Mocatta J. [1970] 2 Lloyd's Rep. 21.

Time charter—Delay—Time necessary to make vessel seaworthy.
Hongkong Fir Shipping Co. Ltd. v. Kawasaki Kisen Kaisha Ltd., Salmon J. [1962] 2 Q.B. 26; [1961] 2 W.L.R. 716.

CONTRACT—*continued.*

Frustration—*continued.*

Charterparty—continued.

Time charter for one voyage—Voyage from Black Sea to India—Ship trapped in Suez Canal—Whether fundamentally different situation resulted from blocking of the canal.
The Eugenia, C.A. [1964] 2 Q.B. 226; [1964] 2 W.L.R. 114.

Fact or law. See FACT OR LAW.

Personal services

Contract to co-manage musical group—Performance of contract through personal manager—Refusal of group to be managed by personal manager—Whether contract frustrated.
Denmark Productions Ltd. v. Boscobel Productions Ltd., C.A. [1969] 1 Q.B. 699; [1968] 3 W.L.R. 841.

Physical fitness—Contract to perform as drummer—Basis of contract availability to perform seven nights a week if required—Ability to perform on four nights a week only—Possibility of breakdown in health if performances on seven nights a week continued—Whether drummer wrongfully dismissed.
Condor v. The Barron Knights Ltd., Thompson J. [1966] 1 W.L.R. 87.

Strike

Whether frustrating charterparty.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

Illegality

Champerty

Appeal pursuant to champertous agreement—Whether solicitor entitled to costs under contract of retainer.
In re **Trepca Mines Ltd. (No. 2),** Pennycuick J. [1962] Ch. 511; [1962] 2 W.L.R. 800; C.A. [1963] Ch. 199; [1962] 3 W.L.R. 955.

Construction to avoid illegality. See **Construction** (*Ut res magis valeat*).

Court's duty not to enforce

Point not taken before county court—Whether illegality may be relied on on appeal—Hire-purchase agreement—County Courts Act, 1959, s. 108.
Snell v. Unity Finance Co. Ltd., C.A. [1964] 2 Q.B. 203; [1963] 3 W.L.R. 559.

Deceit on public administration

Sale of land—Fictitious consideration—Fraudulent purpose—Avoidance by vendor of public administration's rubber production control regulations—Ex turpi causa non oritur actio—Suit to recover land not maintainable.
Palaniappa Chettiar v. Arunasalam Chettiar, P.C. [1962] A.C. 294; [1962] 2 W.L.R. 548.

Ignorance of illegality

Mutual illegal purpose—Hire of chattels—Chattels hired for purpose of unlawful game of chance—Whether enforceable.
J. M. Allan (Merchandising) Ltd. v. Cloke, C.A. [1963] 2 Q.B. 340; [1963] 2 W.L.R. 899.

Insurance. See INSURANCE (**Public policy**).

Landlord and tenant

Rent book—Failure to provide statutory information in rent book—Whether statutory duty part of or collateral to contract—Whether landlord precluded from recovering rent.
Shaw v. Groom, C.A. [1970] 2 Q.B. 504; [1970] 2 W.L.R. 299.

Partnership

Acceptance of credit bets placed by telephone by partner not having bookmaker's licence—Whether partnership void for illegality—Purpose and intention of parties.
Dungate v. Lee, Buckley J. [1969] 1 Ch. 545; [1967] 2 W.L.R. 670.

Practice

Statutory Instrument, requirement contravened—Contravention unpleaded as defence—Whether duty of counsel to draw attention of trial judge.
Mercantile Credit Co. Ltd. v. Hamblin (Note), John Stephenson J. [1964] 1 W.L.R. 423.

Statute, prohibited by

Financial assistance by company to purchase its own shares—Consequences of illegality—Companies Act, 1948, s. 54.
South Western Mineral Water Co. Ltd. v. Ashmore, Cross J. [1967] 1 W.L.R. 1110.

Former servant's disclosure of confidential information—Alleged liaison by laundries to keep up prices—Whether in public interest that misconduct be disclosed to press—Whether defence alleging conduct contrary to public policy should be struck out—Restrictive Practices Act, 1956, ss. 6, 9.
Initial Services Ltd. v. Putterill, C.A. [1968] 1 Q.B. 396; [1967] 3 W.L.R. 1032.

CONTRACT—*continued.*

Illegality—*continued.*

Statute, prohibited by—continued.

Illegality in performance—Contract not ex facie illegal—Illegality known only to defendants—Whether plaintiffs entitled to recover for breach—Road and Rail Traffic Act, 1933, ss. 1, 2.
Archbolds (Freightage) Ltd. v. S. Spanglett Ltd. (Randall Third Party), C.A. [1961] 1 Q.B. 374; [1961] 2 W.L.R. 170.

Sale of rubber to partnership—Requisite licence not held by partnership—Claim against member for purchase price—Member entitled to rely on own illegality—Rubber Supervision Enactment, No. 10 of 1937, of Malaya, ss. 5 (i) (ii); 16 (ii) (iii) — Rubber Supervision Rules (as amended to 1941), Sch. A.
Yin v. Sam, P.C. [1962] A.C. 304; [1962] 2 W.L.R. 765.

Transfer of property outside scheduled territories—Contract and payment made in United Kingdom—Implied term that contract subject to Treasury consent—No Treasury consent—Whether action for return of purchase price maintainable—Exchange Control Act, 1947, s. 7. **Shaw v. Shaw,** C.A. [1965] 1 W.L.R. 537.

Tax avoidance

Rearrangement of contractual position to avoid tax—Whether illegal.
Ionian Bank Ltd. v. Couvreur, C.A. [1969] 1 W.L.R. 781.

Termination for illegal motive

Whether termination valid—Victimisation by landlord of tenant witness—Notice to quit—Contempt of court. **Chapman v. Honig,** C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Implied contract

Benefit to third party

Bill of lading—Limitation of liability—Whether protecting stevedores.
Midland Silicones Ltd. v. Scruttons Ltd., H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Compromise of action

Reservation of rights against one of several defendants—Plaintiff in libel action agreeing to discharge claims against publishers and printers—Plaintiff's counsel signing documents of agreement referring to accompanying statements to be made in open court—Construction of signed documents and accompanying statements as covenants not to sue further—Plaintiff's commonly known intention to continue claim against author unexpressed—Whether term to be implied reserving plaintiff's rights against author—Whether collateral agreement.
Gardiner v. Moore, Thesiger J. [1969] 1 Q.B. 55; [1966] 3 W.L.R. 786.

Consideration

Payment if offer to purchase certain property accepted by third party—Whether payment gratuitous or in return for service by payee.
Dickinson v. Abel, Pennycuick J. [1969] 1 W.L.R. 295.

Musical group and manager

Whether implied term manager should do nothing to forfeit their confidence.
Denmark Productions Ltd. v. Boscobel Productions Ltd., C.A. [1969] 1 Q.B. 699; [1968] 3 W.L.R. 841.

Parties participating in commercial transaction

Bill of lading—Whether protecting stevedores—Whether contract to be implied between shipper and stevedores. **Midland Silicones Ltd. v. Scruttons Ltd.,** H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Car damaged in collision taken by owner to garage for repair—Estimate submitted to and accepted by insurers—Whether contract to be implied between garage and owner.
Charnock v. Liverpool Corpn., C.A. [1968] 1 W.L.R. 1498.

Implied term

Bailment

Crane hired for reward—No obligation on owner to maintain—Undertaking by hirer to put competent man in charge and carry out service—Hirer's failure to comply with undertaking—Injury to hirer's workman after collapse of crane due to faulty adjustment—Owner and hirer equally negligent—Implied term as to fitness—Extent of—Whether owner under obligation to indemnify hirer for damages arising from breach of duty towards their workman.
Hadley v. Droitwich Construction Co. Ltd., C.A. [1968] 1 W.L.R. 37.

Motor van bailed for use—Whether bailee entitled to deliver to artificer for repair—Whether Moorcock principle applicable.
Tappenden v. Artus, C.A. [1964] 2 Q.B. 185; [1963] 3 W.L.R. 685.

Commercial agreement

"Solus" agreement for sale of petrol—Garage owners' agreement to purchase all petrol supplies from plaintiffs—Undertaking to sell at plaintiffs' standard retail prices—Whether implied term to operate a price maintenance system—Effect of Resale Prices Act, 1964.
Regent Oil Co. Ltd. v. Aldon Motors Ltd., C.A. [1965] 1 W.L.R. 956.

CONTRACT—*continued.*

Implied term—*continued.*

Contract for sale of land

Purchasers to use best endeavours to obtain planning permission for particular purpose—Detailed planning permission refused Purchasers' failure to appeal to Minister against refusal—Whether implied term fulfilled.
Hargreaves Transport Ltd. v. Lynch, C.A. [1969] 1 W.L.R. 215.

Contract of service. See MASTER AND SERVANT.

First refusal

Option to purchase land when owner's intention to sell it on his death—Gift of property to third party—Whether implied term not to part by way of gift—Whether gift breach of agreement. **Gardner v. Coutts & Co.,** Cross J. [1968] 1 W.L.R. 173.

Hire-purchase agreement. (*See also* HIRE-PURCHASE.)

Condition of correspondence with description—Warranty of fitness—Exceptions clauses.
Astley Industrial Trust Ltd. v. Grimley, C.A. [1963] 1 W.L.R. 584.

Motor-car log-book—Whether provision of log-book implicit—Whether suspensive condition on which existence of contract depends—Whether condition waivable.
Bentworth Finance Ltd. v. Lubert, C.A. [1968] 1 Q.B. 680; [1967] 3 W.L.R. 378.

Unroadworthy car—Exceptions clauses—Whether breach fundamental.
Charterhouse Credit Co. Ltd. v. Tolly, C.A. [1963] 2 Q.B. 683; [1963] 2 W.L.R. 1168.

Landlord and tenant

Premises let for particular purpose—Whether implied term that premises legally fit for purpose. **Hill v. Harris,** C.A. [1965] 2 Q.B. 601; [1965] 2 W.L.R. 1331.

Letter of credit

"In consideration of your opening this credit we engage to provide you with funds to meet disbursements "—" As regards each draft which you may accept we engage to provide you with funds to meet such draft. . . ."—Whether implied term that bank would honour accepted draft on maturity provided agents put bank in funds to honour it.
Sale Continuation Ltd. v. Austin Taylor & Co. Ltd., Paull J. [1968] 2 Q.B. 849; [1967] 3 W.L.R. 1427.

Master and servant. See MASTER AND SERVANT.

Optional methods of performance

Whether implied obligation to notify method chosen.
The Lady Tahilla, C.A. [1968] 1 Lloyd's Rep. 168.

Price maintenance

"Solus" agreements for sale of petrol—Garage owners' agreements to buy and sell plaintiffs' petrol only—Undertaking to sell at plaintiffs' standard retail prices—Whether implied term to operate a price maintenance system.
Esso Petroleum Co. Ltd. v. Harper's Garage (Stourport) Ltd., Mocatta J. [1966] 2 Q.B. 514; [1965] 3 W.L.R. 469.

Reasonable performance

C.i.f. contract—Usual route—Time when route usual.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., H.L.(E.) [1962] A.C. 93; [1961] 2 W.L.R. 633.

Retrospective effect of contract

Building tender—Work done before contract concluded.
Trollope & Colls Ltd. v. Atomic Power Constructions Ltd., Megaw J. [1963] 1 W.L.R. 333.

Sale of goods. See SALE OF GOODS.

Subrogation. See INSURANCE.

Innocent misrepresentation

Representation as to effect of contract

Commission payable on introduction of person "willing to sign a document capable of becoming a contract to purchase"—Effect of oral representation as to circumstances under which commission payable.
Jaques v. Lloyd D. George & Partners Ltd., C.A. [1968] 1 W.L.R. 625.

Rescission

Partnership—Purchase of shares—Misrepresentation as to state of business—Dissolution of partnership—Whether contract could be rescinded.
Senanayake v. Cheng, P.C. [1966] A.C. 63; [1965] 3 W.L.R. 715.

Mistake

Common mistake

Effect in equity—Insurance policy voidable for misrepresentation—Agreement to compromise claim on policy—Whether vitiated by mistake as to validity of policy.
Magee v. Pennine Insurance Co. Ltd., C.A. [1969] 2 Q.B. 507; [1969] 2 W.L.R. 1278.

CONTRACT—*continued.*

Mistake—*continued.*

Mutual mistake as to essential matter of fact

Contract of sale "subject to existing tenancy"—Refusal by vendor to complete—Purchaser's action for specific performance—Vendor's belief that house occupied by statutory tenant—Same belief by plaintiff's agent—Whether contract void at law—Alternatively, whether should be set aside in equity—Whether mistake as to basis of contract. **Grist v. Bailey,** Goff J. [1967] Ch. 532; [1966] 3 W.L.R. 618.

Mutual mistake as to private rights

Purported conveyance to plaintiff's predecessor in title of later date than conveyance to defendant, the true owner—True owner unaware for 20 years that land included in conveyance to him—Grazing tenancy or licence relating, inter alia, to particular land in question, granted by plaintiff to true owner—Whether tenancy or licence agreement void insofar as it related to particular land for mutual mistake.
Bligh v. Martin, Pennycuick J. [1968] 1 W.L.R. 804.

Non est factum

Hire-purchase documents signed in blank—Owner wanting to raise loan on security of car—Owner's belief documents were mortgage documents—No representation by dealer inducing owner's belief—Whether mistake as to class and character of document—Whether owner can rely on non est factum.
Mercantile Credit Co. Ltd. v. Hamblin, C.A. [1965] 2 Q.B. 242; [1964] 3 W.L.R. 798.

Mistake as to document signed—Conveyance on sale of leasehold interest in house—Fraudulently induced belief that document deed of gift to a different party—Subsequent mortgage by assignee and appropriation of moneys raised—Whether onus of proof of non est factum discharged—Whether document signed of different class and character from that intended to be signed—Duty on person executing document having legal consequences for third parties. **Gallie v. Lee,** Stamp J. [1968] 1 W.L.R. 1190.
C.A. [1969] 2 Ch. 17; [1969] 2 W.L.R. 901.
H.L.(E.) [1970] 3 W.L.R. 1078.

——————————Hire-purchase agreement of car — Hirer's intention to cancel agreement and sell car—Hirer's signature appended in belief that document a release note transferring rights in car to dealer—Document a guarantee of new hirer's payments under new hire-purchase agreement—Whether mistake as to class and character of document—Whether mistake only as to contents—Whether hirer liable on guarantee.
Muskham Finance Ltd. v. Howard, C.A. [1963] 1 Q.B. 904; [1963] 2 W.L.R. 87.

Novation

Transfer of liabilities

Effect of Limitation Acts? **Chatsworth Investments Ltd. v. Cussins (Contractors) Ltd.,** C.A. [1969] 1 W.L.R. 1.

Option. (*See also* ELECTION; LANDLORD AND TENANT.)

Shares in ship

Whether party provided money by way of loan or for purchase of shares in ship.
Onassis and Calogeropoulos v. Vergottis, C.A. [1968] 1 Lloyd's Rep. 294.
H.L.(E.) [1968] 2 Lloyd's Rep. 403.

Parties

Enforcement by third party

Bill of lading—Limited liability of £500—Extended to stevedore—In United States stevedores are protected.
Carle & Montanari Inc. v. American Export Lines Inc., U.S. District Ct. (Southern District of New York) [1968] 1 Lloyd's Rep. 260.

Third party, enforcement by

Bill of lading — Limitation of liability — Stevedore sued by goods-owner — Whether protected. **Midland Silicones Ltd. v. Scruttons Ltd.,** H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Covenant with trustees to settle after-acquired property—Effect.
In re **Ralli's Will Trusts,** Buckley J. [1964] Ch. 288; [1964] 2 W.L.R. 144.

Jurisdiction of court if defendant to action by third party does not object—Motor Insurers' Bureau.
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

Licensee—Passenger travelling on corporation bus on free pass—Conditions exempting corporation from liability for injury to passenger—Action against corporation driver—Whether entitled to protection of conditions.
Genys v. Mathews, Liverpool Ct. of Passage [1966] 1 W.L.R. 758.

Motor Insurers' Bureau—Agreement with Minister in favour of road victims—Unenforceable (except with consent) by victim—Impropriety of raising point.
Hardy v. Motor Insurers' Bureau, C.A. [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433.

CONTRACT—*continued.*

Parties—*continued.*

Third party, enforcement by—continued.

Passenger travelling on corporation bus on free pass—Conditions exempting corporation from liability for injury to passenger—Passenger's action against bus conductor—Whether corporation entitled to stay proceedings—Whether contract between corporation and passenger void—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41—**Road Traffic Act, 1960, s. 151.**
Gore v. Van Der Lann, C.A. [1967] 2 Q.B. 31; [1967] 2 W.L.R. 358.

Procedure—Agreement for transfer of business—Consideration from transferee including promise to pay annuity to widow of transferor—Repudiation by transferee after death of transferor—Whether promise enforceable by widow as administratrix for recovery of all arrears and continuing payments for herself in personal capacity—Whether action maintainable at law for benefit of third party—Whether remedy of specific performance of agreement for payment of money available—Whether third person not named in agreement may sue for "benefit of agreement . . . respecting . . . property" including chose in action—Law of Property Act, 1925, ss. 56, 205 (1) (*xx*).
Beswick v. Beswick, C.A. [1966] Ch. 538; [1966] 3 W.L.R. 396.
H.L.(E.) [1968] A.C. 58; [1967] 3 W.L.R. 932.

Promise by Motor Insurers' Bureau to pay third party if not paid by insurer—Proceedings between insurer and third party—Whether bureau entitled to be joined as party.
Fire Auto and Marine Insurance Co. Ltd. v. Greene, John Stephenson J. [1964] 2 Q.B. 687; [1964] 3 W.L.R. 319.

Settlement pursuant to agreement between father and settlor—Consideration from father—Beneficiaries other members of settlor's family—Whether covenant by settlor enforceable—Whether beneficiaries within consideration or quasi parties—Whether covenant enforceable by trustees.
In re **Cook's Settlement Trusts,** Buckley J. [1965] Ch. 902; [1965] 2 W.L.R. 179.

Sub-bailment on terms—Whether terms enforceable against bailor.
Morris v. C. W. Martin & Sons Ltd., C.A. [1966] 1 Q.B. 716; [1965] 3 W.L.R. 276.

Penalty

Arbitration clause

Clause providing for measure of damage—Difference between contract price and market price including percentage over market value as "penalty"—Whether penalty clause or genuine pre-estimate of damage.
Robert Stewart & Sons Ltd. v. Carapanayoti & Co. Ltd., McNair J. [1962] 1 W.L.R. 34.

Forfeiture clause

Equitable relief—Agreement for hire of caravan—Initial payment under contract—No monthly rentals paid—Contract determined by hiring company—Repossession and sale of caravan—Initial payment retained—Hirer unable to perform contract terms—Whether forfeiture clauses unduly harsh—Claim by hirer to return of initial payment—Principle of equity—Whether applicable.
Galbraith v. Mitchenall Estates Ltd., Sachs J. [1965] 2 Q.B. 473; [1964] 3 W.L.R. 454.

Hire, contract of

Hire of equipment for fixed period—Premature termination of contract by hirer—Provision in contract for half total rentals payable to be paid as liquidated damages—Whether penalty. **Robophone Facilities Ltd. v. Blank,** C.A. [1966] 1 W.L.R. 1428.

Hire-purchase agreement

Clause giving owners right, on determination through default in payment, to recover in all circumstances 100 per cent. of hire-purchase price—Unenforceability.
Anglo Auto Finance Co. Ltd. v. James, C.A. [1963] 1 W.L.R. 1042.

Depreciation clause—Depreciation charge progressively reduced after sixth month—No charge after eighteenth month—Whether pre-estimate of damage or penalty.
Phonographic Equipment (1958) Ltd. v. Muslu, C.A. [1961] 1 W.L.R. 1379.

————————————————————————Whether penalty clause or genuine pre-estimate of damage.
E. P. Finance Co. Ltd. v. Dooley, Veale J. [1963] 1 W.L.R. 1313.

————————Previous decision of Court of Appeal that clause a penalty—Whether binding. **Lombank Ltd. v. Excell,** C.A. [1964] 1 Q.B. 415; [1963] 3 W.L.R. 700.

Sum payable for right to terminate—Whether penalty—Whether principle of equity applicable.
Campbell Discount Co. Ltd. v. Bridge, C.A. [1961] 1 Q.B. 445; [1961] 2 W.L.R. 596.
H.L.(E.) [1962] A.C. 600; [1962] 2 W.L.R. 439.

CONTRACT—*continued.*

Penalty—*continued.*

Hire-purchase agreement—continued.

Sum payable on termination—Whether penalty—Whether enforceable.
United Dominions Trust (Commercial) Ltd. v. Ennis, C.A. [1968] 1 Q.B. 54; [1967] 3 W.L.R. 1.

Insurance

Payment of sum to footballer for injury—Undertaking that if he plays football again he will be subject to penalty of that sum—Whether insurers can recover sum on breach of undertaking. **Alder v. Moore,** C.A. [1961] 2 Q.B. 57; [1961] 2 W.L.R. 426.

Personal duty

Concept of

"Actual fault or privity"—Shipping—Company.
The The Lady Gwendolen, C.A. [1965] P. 294; [1965] 3 W.L.R. 91.

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Indirect interference with contractual relations

Absence of knowledge of terms of contract—Whether indifference to result sufficient to constitute tort—Trade union officer instructing retail newsagents to boycott national newspaper for one week—Cancellation of supplies from wholesalers—Wholesalers' running contracts with newspaper—Contract terminable on reasonable notice—Whether instructions to retailers procuring breach of wholesalers' contracts with newspapers—Whether registrable agreement constituting restriction contrary to public interest—Whether unlawful act—Whether prima facie case for interim relief—Restrictive Trade Practices Act, 1956, s. 21 (1) (*d*). **Daily Mirror Newspapers Ltd. v. Gardner,** C.A. [1968] 2 Q.B. 762; [1968] 2 W.L.R. 1239.

Interference with contractual relations

Trade union officials' interference with oil contracts of hotel company—Force majeure clause in contract—Picketing and warning to suppliers—Whether interference restrainable—Whether "trade dispute"—Whether union liable.
Torquay Hotel Co. Ltd. v. Cousins, C.A. [1969] 2 Ch. 106; [1969] 2 W.L.R. 289.

Restriction

Registrable restriction "deemed to be contrary to the public interest"—Whether unlawful act constituting tort—Restrictive Trade Practices Act, 1956, s. 21 (1).
Daily Mirror Newspapers Ltd. v. Gardner, C.A. [1968] 2 Q.B. 762; [1968] 2 W.L.R. 1239.

Trade union dispute

Strike notice—Whether threat of breach of contract—Whether strike notice of proper length lawful. **Morgan v. Fry,** Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.
C.A. [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506.

Union's unsuccessful negotiations for recognition—Instructions to union members not to handle firm's barges—Breaches of commercial contracts resulting—Breaches of members' contracts of service—Whether breach of duty by union officials to firm.
J. T. Stratford & Son Ltd. v. Lindley, H.L.(E.) [1965] A.C. 269; [1964] 3 W.L.R. 541.

Unlawful inducement

Justification—No reliance on Trade Disputes Act, 1906—Conduct unlawful between defendants and employers—Whether inducement justifiable on plaintiff's claim for intimidation. **Morgan v. Fry,** Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.

Public authority, by. (*See also* CROWN.)

Not fettering future executive action

Charterparties—Strike at port—Control of loading.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

Public policy

Freedom of contract

Trade union rules—Unconscionable rule.
Faramus v. Film Artistes' Association, C.A. [1963] 2 Q.B. 527; [1963] 2 W.L.R. 504.
H.L.(E.) [1964] A.C. 925; [1964] 2 W.L.R. 126.

Marriage, restraint on

Variation of trust—Policies against marriage by beneficiaries—Insurers indemnified by Swiss bank—Bank indemnified by beneficiaries—Whether policies enforceable.
In re **Michelham's Will Trusts,** Buckley J. [1964] Ch. 550; [1963] 2 W.L.R. 1238.

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Rectification

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Authority of borough surveyor to agree variation of contract—Expression of local authority's intention—Whether seal necessary. **Carlton Contractors Ltd. v. Bexley Corpn.,** Ungoed-Thomas J. (1962) 60 L.G.R. 331.

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Rectification—*continued.*

Mistaken belief that particular term included

Execution of contract by other party knowing of first party's mistake—Whether first party entitled to rectification. **A. Roberts & Co. v. Leicestershire County Council,** Pennycuick J. [1961] Ch. 555; [1961] 2 W.L.R. 1000.

Oral agreement

Agreed provision not expressly incorporated in written contract—No prior concluded oral agreement—Whether rectification possible.
Joscelyne v. Nissen, C.A. [1970] 2 Q.B. 86; [1970] 2 W.L.R. 509.

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Repudiation. (*See also* **Condition.**)

Acceptance

Hire-purchase—Hirer's notice of inability to fulfil agreement—Whether exercise of option to terminate—Finance company's claim under agreement—Whether repudiation accepted.
United Dominions Trust (Commercial) Ltd. v. Ennis, C.A. [1968] 1 Q.B. 54; [1967] 3 W.L.R. 1.

Subsequent summons for declaration that other party in breach—Whether consistent with acceptance—Vendor and purchaser.
In re **Stone and Saville's Contract,** Buckley J. [1962] 1 W.L.R. 460. C.A. [1963] 1 W.L.R. 163.

Anticipatory breach

Convening of extraordinary general meeting—Master and servant.
Cranleigh Precision Engineering Ltd. v. Bryant, Roskill J. [1965] 1 W.L.R. 1293.

Stock Exchange—Put option transactions in respect of shares subject of impending offer—Formal offer for one half of each shareholder's holding—Stock Exchange ruling establishing two separate lines in the official quotations, cum-bid and ex-bid—Plaintiff's refusal to allow his broker to declare otherwise than in ex-bid shares alone—Purported declaration of options by plaintiff—Broker's refusal to accept delivery otherwise than in ex-bid shares plus cash—Whether anticipatory breach—Whether purported declaration by plaintiff affirmation of contract—Best delivery usage—"Bargain"—Whether plaintiff disqualified under rules, regulations and usages of the Stock Exchange from declaring the options—Whether usage that only member of the Stock Exchange could declare options—Whether reasonable—Whether options validly declared—Whether option contracts subject to best delivery usage.
Cunliffe-Owen v. Teather & Greenwood, Ungoed-Thomas J. [1967] 1 W.L.R. 1421.

Dispute as to effect of agreement

Construction—Reliance on bona fide but mistaken construction not repudiation.
Sweet & Maxwell Ltd. v. Universal News Services Ltd., C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

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Condition requiring notice of claim to be given within five days—Breach—Insurance policy—Insured's failure to notify—Whether insurers' right to repudiate liability to indemnify must be exercised within reasonable time.
Allen v. Robles (Compagnie Parisienne de Garantie Third Party), C.A. [1969] 1 W.L.R. 1193.

Fraud—Immediate steps taken to regain goods—Purchaser's whereabouts unknown—No communication of intention—Whether sufficient act of avoidance.
Car and Universal Finance Co. Ltd. v. Caldwell, Lord Denning M.R. and C.A. [1965] 1 Q.B. 525; [1964] 2 W.L.R. 600.

Fundamental breach

Burden of proof—Carriage by road—No evidence as to how goods lost—Exceptions clause—Whether burden on carrier to prove no deviation.
Hunt & Winterbotham (West of England) Ltd. v. B.R.S. (Parcels) Ltd., C.A. [1962] 1 Q.B. 617; [1962] 2 W.L.R. 172.

Hire-purchase—Breach of recourse agreement—Whether fundamental breach.
Bowmaker (Commercial) Ltd. v. Smith, C.A. [1965] 1 W.L.R. 855.

Refusal to accept

Contract to co-manage musicians—Remuneration by percentage of earnings—Repudiation by co-managers—Action for an account—Whether remedy of an account available—Whether sole remedy damages.
Denmark Productions Ltd. v. Boscobel Productions Ltd., C.A. [1969] 1 Q.B. 699; [1968] 3 W.L.R. 841.

Effect—Agreement to display advertisements for three years—Immediate repudiation by advertiser—Contract performed by other party—Action for payment of consideration.
White and Carter (Councils) Ltd. v. McGregor Ltd., H.L.(Sc.) [1962] A.C. 413; [1962] 2 W.L.R. 17.

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Rescission

Deposit

Contract for sale of land—Purchaser's failure to complete—Vendor's right to deposit if contract rescinded—Distinction between part paid and unpaid balance.
Lowe v. Hope, Pennycuick J. [1970] Ch. 94; [1969] 3 W.L.R. 582.

Joint contract with company

Breach of duty by directors—Breach known to one of the three contracting parties—Whether voidable
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

Variation

Moneylending contract rendered unenforceable by variation—Whether original contract rescinded. **United Dominions Corpn. (Jamaica) Ltd. v. Shoucair,** P.C. [1969] 1 A.C. 340; [1968] 3 W.L.R. 893.

Restraint of trade. *See* RESTRAINT OF TRADE.

Sale of goods. *See* SALE OF GOODS.

Termination. (*See also* MASTER AND SERVANT (**Contract of service**).)

Commercial agreement

No provision for termination by notice—Whether provision for reasonable notice to be implied. *In re* **Spenborough Urban District Council's Agreement,** Buckley J. [1968] Ch. 139; [1967] 2 W.L.R. 1403.

Course of conduct

Trading co-operative company—Rebates for customer-shareholders.
J. M. Construction Co. Ltd. v. Hutt Timber and Hardware Co. Ltd., P.C. [1965] 1 W.L.R. 797.

Licence

Provisions for notice—Notice to terminate " at the earliest date . . . that such agreement . . . can be lawfully terminated "—Whether sufficiently certain.
Allam & Co. Ltd. v. Europa Poster Services Ltd., Buckley J. [1968] 1 W.L.R. 639.

Right to mine—Construction—No time limit expressed or termination provided for—Quantity of minerals to be extracted not specified or whether licence exclusive—Terminable at will—Ad hoc arrangement for mutual advantage—Position if licence had been terminable by reasonable notice—Notice required—Period of grace.
Australian Blue Metal Ltd. v. Hughes, P.C. [1963] A.C. 74; [1962] 3 W.L.R. 802.

Time for performance

Whether of essence

Option clause—Repurchase of shares—" If the vendor shall before May 1, 1963, give notice . . . and on payment of the said sum . . . before June 1, 1963," he may repurchase shares—Notice duly given—Money tendered one week late and refused—Whether notice sufficient to constitute vendor/purchaser relationship.
Hare v. Nicoll, C.A. [1966] 2 Q.B. 130; [1966] 2 W.L.R. 441.

Tort of procuring breach. (*See also* INTIMIDATION.)

Breach of covenant

Covenant not to cause or permit land to be used otherwise than for horse racing—Facilities in connection with horse racing reserved to covenantee—Covenantor's decision to cease horse racing—Agreement for sale of land—Known intention of purchaser to develop land for housing purposes—Conveyance of land to purchaser breach of covenantor's obligations to covenantee—Purchaser's knowledge of covenant—Whether agreement for sale inducing breach of contract—Whether loss of facilities of covenantee damages flowing from act of purchaser sufficient to constitute tort—Whether covenantee entitled to injunction against purchaser.
Sefton v. Tophams Ltd., Stamp J. [1965] Ch. 1140; [1964] 1 W.L.R. 1408.
C.A. [1965] Ch. 1140; [1965] 3 W.L.R. 523.

Ingredients

Trade dispute—Instructions to oil tanker drivers not to pass pickets at hotel—Warning to suppliers not to fulfil contract—Procuring breach of supplier's contract—Force majeure clause in contract—Interference with contractual rights—Threatened interference with future rights—Inducement of tanker drivers to break contracts—Whether indirect inducement—Picketing of premises—Whether nuisance at common law—Whether substantial interference with use and enjoyment of property.
Torquay Hotel Co. Ltd. v. Cousins, Stamp J. [1969] 2 Ch. 106; [1968] 3 W.L.R. 540.

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Unilateral undertaking

Conditions precedent

Repurchase undertaking linked with hire-purchase agreement — Aircraft sold to finance company and let on hire-purchase—Undertaking by sellers to repurchase if hire-purchase agreement terminated before whole price paid—Hire-purchase agreement terminated—Call to repurchase not made until five months after termination—Implied term that call to repurchase be made within reasonable time of termination—Repurchase undertaking unilateral obligation not binding sellers unless conditions specified fulfilled — Call to repurchase not made within reasonable time of termination—No obligation to repurchase aircraft. **United Dominions Trust (Commercial) Ltd. v. Eagle Aircraft Services Ltd.,** C.A. [1968] 1 W.L.R. 74.

Warranty. *See* **Condition.**

CONTRIBUTION

Between joint tortfeasors. *See* JOINT TORTFEASORS.

CONTRIBUTORY NEGLIGENCE. *See* JOINT TORTFEASORS; NEGLIGENCE; STATUTORY DUTY.

CONVERSION. (*See also* CRIME (**Fraud**); DETINUE.)

Act of

Illegal user

Use of motor-car to smuggle watches — Forfeiture of car by Customs and Excise — Whether user presumed to intend to assert right inconsistent with owner's title.
Moorgate Mercantile Co. Ltd. v. Finch and Read, C.A. [1962] 1 Q.B. 701; [1962] 3 W.L.R. 110.

Cheque. *See* BILL OF EXCHANGE.

Contract

Exceptions clause. See CONTRACT.

Damages

Measure of

Additional liability flowing from conversion—Whether recoverable—Loss of document—Privately issued stamps lost in post.
Building and Civil Engineering Holidays Scheme Management Ltd. v. Post Office,
Roskill J. [1964] 2 Q.B. 430; [1964] 2 W.L.R. 967.
C.A. [1966] 1 Q.B. 247; [1965] 2 W.L.R. 72.

Plaintiff's limited interest in goods—Hire-purchase agreement with prohibition against assignment—Sale of goods by hirer—Whether more than amount outstanding on hire-purchase price recoverable.
Wickham Holdings Ltd. v. Brooke House Motors Ltd., C.A. [1967] 1 W.L.R. 295.

————————Illegal hire-purchase agreement—Sale of goods by hirer—Whether more than amount outstanding on hire-purchase price recoverable.
Belvoir Finance Co. Ltd. v. Stapleton, C.A. [1970] 3 W.L.R. 530.

Possession

Hire-purchase

Lorries let on—Special "A" licences held in respect of the lorries—Lorries wrongfully sold by hirer to third parties—Lorries in hirer's physical possession—Whether actual or constructive possession of lorries by defendants necessary to establish tort of conversion.
Douglas Valley Finance Co. Ltd. v. S. Hughes (Hirers) Ltd.,
McNair J. [1969] 1 Q.B. 738; [1967] 2 W.L.R. 503.

Right to sue

Hire-purchase

Cars bought for cash let on illegal hire-purchase agreements—Sold by hirer without owner's authority—Resold by purchaser—Claim by owners against purchaser for damages for conversion—Title based on original purchase contracts—Oral evidence proving purchases—Whether title vitiated by illegality of hire-purchase agreements.
Belvoir Finance Co. Ltd. v. Harold G. Cole & Co. Ltd.,
Donaldson J. [1969] 1 W.L.R. 1877.

————————Sold by hirers without owners' authority—Claim by owners against hirers' agent for damages for conversion—Original illegal purchase contracts executed—Whether owners' title vitiated—Whether right to sue. **Belvoir Finance Co. Ltd. v. Stapleton,** C.A. [1970] 3 W.L.R. 530.

Immediate right to possession

Motor-car on hire-purchase—Instalments in arrears—"In case of any . . . breach . . . [owner] shall . . . become entitled immediately to recover possession "—Whether owner entitled to sue third party in conversion.
Moorgate Mercantile Co. Ltd. v. Finch and Read, C.A. [1962] 1 Q.B. 701; [1962] 3 W.L.R. 110.

CONVERSION—*continued.*

Unspecified goods

Theft

Defendant's theft of plaintiffs' goods—Plaintiffs unable to specify individual goods item by item—Whether conversion lies in respect of unspecified goods—Whether good cause of action. **Brightside and Carbrook (Sheffield) Co-operative Society Ltd. v. Phillips,** C.A. [1964] 1 W.L.R. 185.

COPYRIGHT

Assignment

Infant

Assignment by infant of future copyright in proposed work—Purported repudiation of contract during infancy—Action to recover copyright interests—Whether disposition of interests in copyright voidable by infant—Copyright Act, 1956, ss. 36 (1), 37 (1). **Chaplin v. Leslie Frewin (Publishers) Ltd.,** Waller J. and C.A. [1966] Ch. 71; [1966] 2 W.L.R. 40.

Crown

Bibles

New translation of New Testament—Copyright subsisting—Whether Crown entitled to publish or authorise publication in breach of copyright. **Universities of Oxford and Cambridge v. Eyre & Spottiswoode Ltd.,** Plowman J. [1964] Ch. 736; [1963] 3 W.L.R. 645.

Infringement

Compilation

Football pool coupon—Substantial part—Copying—Copyright Act, 1956, ss. 2, 48, 49 (1). **Ladbroke (Football) Ltd. v. William Hill (Football) Ltd.,** H.L.(E.) [1964] 1 W.L.R. 273.

Corresponding design applied industrially

Design unregistered—Unauthorised reproduction of article and component parts—Whether copyright in plans infringed by reproduction of article or its component parts—Kit of parts—Whether "anything for enabling an article to be made"—Whether "object"—Photographs of parts made from plans—Whether reproduction of artistic work—Copyright Act, 1956, ss. 9 (8), 10 (3)—Registered Designs Act, 1949, s. 7 (1). **Dorling v. Honnor Marine Ltd.,** Cross J. [1964] Ch. 560; [1963] 3 W.L.R. 397. C.A. [1965] Ch. 1; [1964] 2 W.L.R. 195.

Literary work

Film script writer's use of copyright sources—Reproduction of parts of copyright book, itself reproducing parts of earlier copyright book—Alleged infringement of copyright in both books — Title to copyright of earlier book — Statutory presumption where author anonymous—Presumption where publisher not a plaintiff—Whether based on probability—Unauthorised use of material in second book, but with sufficient original additions and work—Literary work enjoying copyright—Reproduction mainly of unoriginal passages from second book—Whether substantial part of book reproduced in film—Copyright Act, 1911, s. 6 (3)—Copyright Act, 1956, s. 20 (4). **Warwick Film Productions Ltd. v. Eisinger,** Plowman J. [1969] 1 Ch. 508; [1967] 3 W.L.R. 1599.

Work based on historical event—Screenplay on same subject—Common sources for material selected—Marked similarity in choice of incidents—Many similarities and some dissimilarities—Whether prima facie evidence of infringement justifying interlocutory relief. **Harman Pictures, N.V. v. Osborne,** Goff J. [1967] 1 W.L.R. 723.

Musical work

Sound recording—Causing to be heard in public—Exemption—Holiday camp—Gramophone records played over loudspeaker — Whether camp "premises where people reside or sleep"—Whether recording amenities provided exclusively or mainly for "residents or inmates"—Copyright Act, 1956, s. 12 (7). **Phonographic Performance Ltd. v. Pontin's Ltd.,** Cross J. [1967] Ch. 290; [1967] 3 W.L.R. 1622.

Subconscious copying—Considerable degree of similarity between substantial part of alleged infringing work and original—Denial by composer of alleged infringing work of deliberate copying or conscious knowledge of original—Whether unconsciously copied—Whether unconscious reproduction an infringement—Copyright Act, 1956, ss. 2 (5), 49. **Francis Day & Hunter Ltd. v. Bron,** C.A. [1963] Ch. 587; [1963] 2 W.L.R. 868.

Parties to action

Copyright owners joined by licensees as co-plaintiffs—Subsequent withdrawal of owners' retainer to solicitors—Application by owners to be struck out as co-plaintiffs and added as defendants—Whether a discretion to strike out owners as co-plaintiffs—Whether appropriate case to make order—R.S.C., Ord. 16, r. 11—Copyright Act, 1956, s. 19 (3). **Warwick Film Productions Ltd. v. Eisinger,** Wilberforce J. [1963] 1 W.L.R. 756.

COPYRIGHT—*continued.*

Licence

Alterations

Licensee's right to make alterations unless forbidden expressly or impliedly—Play commissioned for television broadcast—Author wishing to include line in play—Play accepted by B.B.C.—Licence to perform—Power of B.B.C. to make alterations—Agreement between guild, of which author a member, and defendants not to make structural alterations without consent—Whether agreement applicable—Whether deletion of line a structural alteration.

Frisby v. British Broadcasting Corpn., Goff J. [1967] Ch. 932; [1967] 2 W.L.R. 1204.

Cinematograph film

Licence to film "literary and dramatic works"—"Cinematograph or moving picture films"—Whether extending to sound films—Whether rights to make sound film based on "literary and dramatic works" include title "Peter Pan"—Whether "author" includes assigns—Injunction—Foreign corporation—Defendants incorporated in California —Whether injunction should be granted—Whether injunction enforceable.

Hospital for Sick Children (Board of Governors) v. Walt Disney Productions Inc.,
Buckley J. [1966] 1 W.L.R. 1055.
C.A. [1968] Ch. 52; [1967] 2 W.L.R. 1250.

Literary and musical work

Licensees' rights to produce with living actors—Agreement for option rights in event of any "bona fide offer for world motion-picture, radio and commercial television rights" —An offer made—Licensees' alleged better offer not accepted—Action to restrain disposal of copyright—Application for interlocutory relief.

Donmar Productions Ltd. v. Bart (Note), Ungoed-Thomas J. [1967] 1 W.L.R. 740.

Statutory licence

Agreement between licensee and owner of copyright—Payment of royalty by licensee—Printing by third party of copyright material under statutory licence—Whether wholesale value increased by goods carrying copyright protection—Finance (No. 2) Act, 1940, s. 21 (1), Sch. 8—Copyright Act, 1956, s. 49 (7).

J. &. C. Moores Ltd. v. Comrs. of Customs and Excise,
Megaw J. [1963] 1 W.L.R. 356; C.A. [1963] 1 W.L.R. 1105.
H.L.(E.) [1964] 1 W.L.R. 817.

CORONER

Inquest

Verdict of suicide

Cause of death—Presumption against suicide—Suicide Act, 1961, s. 1.

Reg. v. Cardiff City Coroner, *Ex parte* **Thomas,** D.C. [1970] 1 W.L.R. 1475.

Woman's jump from window of hospital—Whether intention to commit suicide—Woman's own doctor not called—Evidence from hospital doctors—Whether insufficiency of inquiry —Whether probability of different verdict at fresh inquest—Coroners Act, 1887, s. 6 (1) (*b*)—Coroners (Amendment) Act, 1926, s. 19.

In re **Davis, decd.,** C.A. [1968] 1 Q.B. 72; [1967] 2 W.L.R. 1089.

CORPORATION. (*See also* COMPANY; LOCAL GOVERNMENT.)

Authority of servant. *See* AGENCY.

Corporation sole

Administration of estates

Administrator de bonis non—Secretary of court—Whether corporation sole—Ceylon.

Salih v. Atchi, P.C. [1961] A.C. 778; [1961] 2 W.L.R. 969.

Powers

Professional body

"Safeguard and promote the interests of the members" of professional body—Restrictions on trade activities of members—Whether within powers of corporation—Whether restraint of trade against interests of members—Whether against public policy.

Dickson v. Pharmaceutical Society of Great Britain,
Pennycuick J. [1966] 1 W.L.R. 1539.
C.A. [1967] Ch. 708; [1967] 2 W.L.R. 718.
H.L.(E.) [1970] A.C. 403; [1968] 3 W.L.R. 286.

Whether contract ultra vires

Whether onus of so proving on corporation—Contract of employment at more than statutory salary—Whether with "prior approval of Governor in Council"—Approval for earlier incumbent of post.

British Guiana Credit Corpn. v. Da Silva, P.C. [1965] 1 W.L.R. 248.

Quasi-corporation

Party to action, as

Whether liable to suit for tort—Trustee savings bank.

Knight & Searle v. Dove, Mocatta J. [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50.

CORRECTIVE TRAINING. *See* CRIME.

CORROBORATION. *See* CRIME (Evidence).

COSTS. (*See also* LEGAL AID.)

Administration of estates. *See* ADMINISTRATION OF ESTATES.

Appeal, Court of

Jurisdiction

"Appeal allowed with costs" or "with costs in any event"—Interlocutory appeal—Effect—Whether right to immediate taxation and payment—Order drawn up inadvertently——R.S.C. (Rev. 1965), Ord. 20, r. 11.
Adam & Harvey Ltd. v. International Maritime Supplies Co. Ltd., C.A. [1967] 1 W.L.R. 445.

Appeal as to costs without leave of judge—Part of larger appeal—Jurisdiction to determine appeal on costs where joined with appeal on other genuine grounds of substance which fail—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*h*).
Wheeler v. Somerfield, C.A. [1966] 2 Q.B. 94; [1966] 2 W.L.R. 1006.

————————————Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*h*).
Crystall v. Crystall, C.A. [1963] 1 W.L.R. 574.

Appeal from order—Liverpool Court of Passage—Successful defendants refused order for costs—Whether proper exercise—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*h*)—Liverpool Corporation Act, 1921, s. 230.
Jones v. McKie, C.A. [1964] 1 W.L.R. 960.

Order made against wife in her unsuccessful petition for divorce—Court's jurisdiction to reverse—Jurisdiction to vary amount.
Gooday v. Gooday, C.A. [1969] P. 1; [1968] 3 W.L.R. 750.

Arbitration. *See* ARBITRATION.

Bankruptcy. *See* BANKRUPTCY.

Certiorari. *See* CROWN PRACTICE.

Company winding up. *See* COMPANY.

Consent order

Amendment

No provision for fees of leading counsel—Whether amendment permissible on subsequent application—Slip rule—"Collateral certificate"—Jurisdiction to grant.
Somerset v. Ley, Cross J. [1964] 1 W.L.R. 640.

Costs follow event. (*See also* ARBITRATION; CRIME.)

Discretion of court

Amount recovered in salvage action in High Court less than £1,000—Reasonable grounds for supposing that more than £1,000 would be recovered—Principles on which discretion exercised. **The Katcher I (No. 2)**, Brandon J. [1969] P. 72; [1969] 2 W.L.R. 401.

Claim for full costs of repairs to car damaged in road accident—Judgment for one third of damages claimed totalling £76—"Knock-for-knock" agreement between insurers showing plaintiff's liability limited to £10—Revealed to judge after judgment—Whether relevant as evidence of misconduct entitling judge to deprive plaintiff of ordinary costs.
Bourne v. Stanbridge, C.A. [1965] 1 W.L.R. 189.

"Costs in the cause"—House of Lords' order in interlocutory proceedings—Discontinuance of action—"Plaintiff's costs"—Effect of order.
J. T. Stratford & Son Ltd. v. Lindley (No. 2), C.A. [1969] 1 W.L.R. 1547.

Servant on frolic of own—Defendant master refused costs for laxity in allowing frolics—Whether proper exercise of discretion. **Jones v. McKie**, C.A. [1964] 1 W.L.R. 960.

Counsel's fees. *See* BARRISTER.

County court action

Monetary claim

Plaintiff partially successful—Whether judge entitled to award costs on lower scale than that appropriate to sum recovered—County Court Rules, 1936 (as amended 1936–63), Ord. 47, rr. 1, 6. **Bourne v. Stanbridge**, C.A. [1965] 1 W.L.R. 189.

Payment into court

Action for recovery of fees—Payment into court in full satisfaction of plaintiff's claim—Subsequent amendment of particulars of claim to seek damages for conversion—Whether payment into court in respect of both actions—County Court Rules, 1936, Ord. 11, rr. 1, 2, 3; Ord. 15, r. 1.
Tingay v. Harris, C.A. [1967] 2 Q.B. 327; [1967] 2 W.L.R. 577.

COSTS—*continued.*

County court action—*continued.*

Payment into court with fixed costs accepted

Application for "further costs"—Fixed costs insufficient to pay solicitor's disbursements—No unusual feature in case—Discretion of court—How exercisable—County Court Rules, 1936, amended by County Court (Amendment) Rules, 1959, Ord. 11, r. 7 (3) (*c*).
Herbert v. Rhondda Transport Co. Ltd., C.A. [1963] 1 W.L.R. 105.

Notice of acceptance not served by plaintiff within four days—Further steps taken in action before notice of acceptance served by plaintiff—Notice of acceptance served out of time—Whether jurisdiction to award plaintiff costs incurred up to date of payment in—County Court Rules, 1936 (as amended 1936–1963), Ord. 11, rr. 7, 9, 11; Ord. 47, r. 1. **Gold v. Introductions Ltd.**, C.A. [1963] 1 W.L.R. 517.

Payment into court made "in full and final settlement of the claim and costs herein"—Whether plaintiff entitled to have bill for additional costs taxed—County Court Rules, 1936, Ord. 11, r. 8. **Stafford Knight & Co. Ltd. v. Conway**, C.A. [1970] 1 W.L.R. 784.

Third-party proceedings

Jurisdiction to order unsuccessful plaintiff to pay costs of third party.
Edgington v. Clark, C.A. [1964] 1 Q.B. 367; [1963] 3 W.L.R. 721.

County court jurisdiction, High Court action within

Compromise

Action and counterclaim settled out of court—Plaintiff accepting £250 in full settlement—Consent order as to costs—Defendant to pay plaintiff's costs of action and counterclaim including costs of negotiating settlement—Whether costs to be taxed on High Court or county court scale—Whether £250 money "recovered"—Whether claim for specific relief substantial—County Courts Act, 1959, s. 47 (1) (3).
Colton v. McCaughey, Buckley J. [1970] 1 W.L.R. 63.

Costs of admiralty proceedings

Small amount claimed in action—Discretion of court—County Courts Act, 1959.
The Conet, Hewson J. [1965] 1 W.L.R. 479.

Less than £400 recovered

Whether High Court or County Court costs should be allowed.
Hopkins v. Shaw Savill & Albion Co. Ltd.,
Roskill J. [1968] 1 Lloyd's Rep. 103.

Court fees

Order for sale of "chattels"

Originating summons by plaintiff executor seeking order that defendant executor concur in sale of assets to named person—Assets consisting of leasehold properties and shares in private company—Order made—Whether court fees exigible—Whether ". . . sale . . . confirmed or approved by order"—Whether "chattels"—Supreme Court Fees Order, 1930, para. 1, Sch. 1, s. II, fee 45.
In re **Givan, decd.**, Buckley J. [1966] 1 W.L.R. 1378.

Crime. *See* CRIME.

Discretion of court

County court

Business premises (security of tenure)—Application for new lease—Practice to leave each side to bear own costs—Whether well founded—Landlord and Tenant Act, 1954, s. 30 (1)—County Court Rules, 1936, Ord. 47, r. 15.
Willis v. Association of Universities of the British Commonwealth (No. 2),
C.A. [1965] 1 W.L.R. 836.

House of Lords. *See* HOUSE OF LORDS.

Husband and wife. *See* HUSBAND AND WIFE; LEGAL AID.

Infant

Ward of court. *See* INFANT.

Infant plaintiff

Next friend

Judgment for plaintiff—Costs to be taxed on "common fund basis"—Meaning—Supreme Court Costs Rules, 1959, r. 28 (3) (4).
Layzell v. British Portland Cement Manufacturers Ltd., Paull J.
[1961] 1 W.L.R. 557.

Settlement of damages

Costs of preparing and approving settlement—Whether chargeable to defendant.
Warren v. King (Note), C.A. [1964] 1 W.L.R. 122.

COSTS—*continued.*

Interpleader. *See* Practice.

Judgment irregular

Costs of setting it aside

Costs thrown away—Entitlement to by defendant.
Bolt & Nut Co. (Tipton) Ltd. v. Rowlands Nicholls & Co. Ltd., C.A. [1964] 2 Q.B. 10; [1964] 2 W.L.R. 98.

Justices

Withdrawal of process

Prosecutor's application to withdraw offence before any hearing—Application allowed by magistrate—Whether magistrate "inquiring into any offence as examining justices"—"Examining justices"—Whether jurisdiction to consider defendant's application for costs—Costs in Criminal Cases Act, 1952, ss. 5 (2), 6 (3).
Reg. v. Phipps, *Ex parte* **Alton,** Divl.Ct. [1964] 2 Q.B. 420; [1964] 2 W.L.R. 802.

Landlord and tenant. *See* Landlord and Tenant.

Legal aid. *See* Legal Aid.

Legitimacy. *See* Legitimacy.

Litigant in person

Layman

Time expended in preparation of case—Whether entitled to claim for—Whether costs recoverable limited to out-of-pocket expenses.
Buckland v. Watts, C.A. [1970] 1 Q.B. 27; [1969] 3 W.L.R. 92.

Payment into court

Consolidated actions

First plaintiffs recovering more than payment into court—Second plaintiffs recovering less than payment into court—Separate representation of plaintiffs.
The Bosworth (No. 2), C.A. [1961] 1 W.L.R. 319.

Joint defendants

Libel—Payment of £2 by one of two active defendants—Record withdrawn against third defendant—Plaintiff awarded ½d. damages—Whether both active defendants entitled to recover costs. **Dering v. Uris,** Lawton J. [1964] 2 Q.B. 669; [1964] 2 W.L.R. 1298.

Legal aid

Damages awarded less than payment into court—Plaintiff legally aided—Legal aid fund charge on damages to cover costs—Damages wholly absorbed by costs—Contest as to costs between legal aid fund and defendant—Whether costs after date of payment in should go to legal aid fund or defendant. **Cook v. Swinfen,** C.A. [1967] 1 W.L.R. 457.

Salvage

Payment in of £500 in salvage action in High Court taken out by plaintiff—Effect on order for costs. **The Katcher I (No. 2),** Brandon J. [1969] P. 72; [1969] 2 W.L.R. 401.

Taxation of costs

Plaintiff's appeal allowed by House of Lords—Case remitted for re-trial on damages only—Order that costs of original trial and re-trial be disposed of by trial judge—Liberty to apply implicit—Payment into court by defendants—Plaintiff's acceptance of money in court—Costs of original trial disallowed—Jurisdiction of High Court to award costs—R.S.C., Ord. 22, rr. 1, 3, 5—Supreme Court Costs Rules, 1959, r. 10 (1).
Rookes v. Barnard (No. 2), Browne J. [1966] 1 Q.B. 176; [1965] 3 W.L.R. 1033.

Privy Council. *See* Privy Council.

Probate. *See* Probate.

Security for costs. (*See also* Husband and Wife (**Divorce**); Legal Aid; Practice.)

County court

Circumstances in which order may be made—County Court Rules, 1936, Ord. 13, r. 2.
Tetley Tea Co. Ltd. v. Alderson, C.A. [1969] 1 W.L.R. 102.

Defendant in position of plaintiff

Interlocutory application—Application by defendant to substantive proceedings—Whether jurisdiction to order defendant to give security for costs of interlocutory application—Whether defendant in "position of plaintiff"—R.S.C., Ord. 23, r. 1.
In re **B. (Infants) (1965),** Pennycuick J. [1965] 1 W.L.R. 946.

Preliminary issue—Plaintiff in issue defendant to substantive proceedings—Whether jurisdiction to order defendant to give security for costs of issue—Whether defendant in "position of plaintiff"—R.S.C., Ord. 23, r. 1.
Visco v. Minter, Ormrod J. [1969] P. 82; [1969] 3 W.L.R. 70.

COSTS—*continued.*

Security for costs—*continued.*

Plaintiff insolvent

Charge of fruits of action to brother—Whether plaintiff "nominal plaintiff"—Whether case for order for security—R.S.C. (Rev. 1965), Ord. 23, r. 1 (1) (*b*).
Semler v. Murphy, Plowman J. and C.A. [1968] Ch. 183; [1967] 2 W.L.R. 1171.

Residence of respondent. *See* RESIDENCE.

Settlement of damages

Infant plaintiff

Costs of preparing and approving settlement — Whether chargeable to defendant — "Attainment of justice"—Supreme Court Costs Rules, 1959, r. 28 (2).
Morey v. Woodfield, Megaw J. [1964] 1 Q.B. 1; [1963] 3 W.L.R. 486.

Solicitor. *See* SOLICITOR.

Taxation. (*See also* LEGAL AID.)

Application to review

Chancery Division—Appointment of assessors—Fixing of date for hearing—Supreme Court Costs Rules, Sch. 2, r. 35—R.S.C. (Rev. 1965), Ord. 62, r. 35.
Practice Direction (Review of Taxation) (No. 2), Ch.D. [1968] 1 W.L.R. 1144.

——————Supreme Court Costs Rules, r. 35.
Practice Direction (Review of Taxation), Ch.D. [1962] 1 W.L.R. 580.

Certificate of taxation

Certificate signed immediately after taxation—Parties given no opportunity to consider whether to apply for review—Whether certificate absolute bar to review—Whether duty to inform parties of intention to sign certificate immediately—R.S.C. (Rev. 1965), Ord. 62, r. 33. **Brown v. Youde (Practice Note),** Chapman J. [1967] 1 W.L.R. 1544.

Decimalisation

Decimal currency figures to be used—Decimal Currency Act, 1969, Sch. 1.
Practice Direction (Taxation: Decimal Currency), Supreme Ct. Taxing Office [1970] 1 W.L.R. 1281.

Documents

Discontinuance of folio method of calculation—Page basis for charging—R.S.C., Ord. 62, App. 2. **Practice Direction (Taxation: Documents),** Supreme Ct. Taxing Office [1970] 1 W.L.R. 1280.

Expert evidence

Order limiting number of expert witnesses—Not conclusive that reasonable to call that number of witnesses—Discretion of taxing master not fettered—R.S.C., Ord. 38, r. 4.
Atwell v. Ministry of Public Building and Works, Fisher J. [1969] 1 W.L.R. 1074.

"Incidental" costs

Claim against estate—Negotiations for settlement—Expenses incurred by inquiries to establish claim before negotiations commenced—Order to tax "Costs . . . of and incidental to the negotiations"—Whether costs incurred before negotiations commenced included. *In re* **Fahy's Will Trusts,** Plowman J. [1962] 1 W.L.R. 17.

Notice of

Divorce—Oral assent by party cited to dispense with re-service of amended answer upon him—Whether party had "taken part in the proceedings"—Supreme Court Costs Rules, 1959, r. 22 (3). **Roberts v. Roberts,** C.A. [1965] 1 W.L.R. 643.

Order for

Court of Appeal—"Appeal allowed with costs" or "with costs in any event"—Effect—Whether right to immediate taxation and payment.
Adam & Harvey Ltd. v. International Maritime Supplies Co. Ltd., C.A. [1967] 1 W.L.R. 445.

Party and party

Counsel's fees—Leading counsel—"Necessary and proper [costs] . . . for attainment of justice or . . . enforcing or defending the . . . party"—Measure to be applied—Whether fee of opposing counsel to be taken into account—Whether amount allowed on taxation in House of Lords to be taken into account—Whether costs incurred for purpose other than defence of particular action should be allowed—Rules of Supreme Court (No. 3), 1959, Sch. 2 ("Supreme Court Costs Rules, 1959"), r. 28 (2).
Simpsons Motor Sales (London) Ltd. v. Hendon Corpn. (No. 2), Pennycuick J. [1965] 1 W.L.R. 112.

Damages—Surveyors' fees not claimed as damages in action—Whether "such costs as were necessary . . . for the attainment of justice"—R.S.C., Ord. 62, r. 28.
Manakee v. Brattle (Note), Mocatta J. [1970] 1 W.L.R. 1607.

Patent

Experiments—Discontinued proceedings—Continuation of experiments after discontinuance of proceedings—Whether costs recoverable—Employment of corporation's own experts, materials and premises for experiments—Principles on which recoverable—R.S.C., Ord. 103, r. 26. *In re* **Nossen's Letter Patent,** Lloyd-Jacob J. [1969] 1 W.L.R. 638.

COSTS—*continued.*

Taxation—*continued.*

Postal facilities

Facilities available to expedite taxation procedure—R.S.C., Ord. 62, r. 24.
Practice Direction (Taxation: Postal Facilities), Supreme Ct. Taxing Office [1969] 1 W.L.R. 772.

Taxing masters' certificates

Queen's Bench Division—Office copies sent by post to solicitors concerned—No necessity for solicitors to attend to take up.
Practice Direction (Taxing Masters' Certificates), Q.B.D. [1964] 1 W.L.R. 885.

Third-party proceedings

Costs of third party

Discretion—Plaintiff ordered to pay costs of third and fourth parties.
Thomas v. Times Book Co. Ltd., Plowman J. [1966] 1 W.L.R. 911.

Jurisdiction to order unsuccessful plaintiff to pay costs of third party.
Edginton v. Clark, C.A. [1964] 1 Q.B. 367; [1963] 3 W.L.R. 721.

Town planning. *See* Town Planning.

Trade mark. *See* Trade Mark.

Trustee

Indemnity as to costs

Counsel's fees—Fees disallowed by taxing master as improper—Test applicable—Supreme Court Costs Rules, 1959, r. 31.
In re **Whitley, decd.**, Plowman J. [1962] 1 W.L.R. 922.

Proceedings by beneficiaries against trustees

Severance of defence by trustees—Whether trustees entitled to separate costs—Trustee Act, 1925, s. 61.
In re **Spurling's Will Trusts**, Ungoed-Thomas J. [1966] 1 W.L.R. 920.

Unreasonable conduct

Whether non-disclosure of documents unreasonable

Restrictive Practice Court Rules, 1957, rr. 76, 77.
In re **Motor Vehicle Distribution Scheme Agreement**, R.P.Ct.(E. & W.) (1960) L.R. 2 R.P. 173; [1961] 1 W.L.R. 92.

Winding up. *See* Company.

COUNSEL. *See* Barrister.

COUNTY COURT

Appeal from

Judge's note

Desirability of shorthand transcript—Appeal from Liverpool Court of Passage.
Johnson v. Rea Ltd., C.A. [1962] 1 Q.B. 373; [1961] 1 W.L.R. 1400.

Appeal to Court of Appeal. *See* Court of Appeal

Committal order

Whether to be signed by judge?

County Court Rules, 1936, Ord. 25, rr. 67, 68, Form 195.
McIlraith v. Grady, C.A. [1967] 3 W.L.R. 1331.

County Court Rules

Application made by post

Application to be made within four months—Court closed until after period had elapsed—Court request that no mail be delivered during period of closure—Whether application made in time—County Court Rules, 1936, Ord. 48, r. 10 (3); Ord. 26, r. 1.
Hodgson v. Armstrong, C.A. [1967] 2 Q.B. 299; [1967] 2 W.L.R. 311.

Costs. *See* Costs.

Criminal jurisdiction

Assault on officer of court

Assault on bailiff in execution of a civil process— Execution of warrant on debtor in stranger's house—Whether trespass—Whether "irregularity or informality"—County Courts Act, 1959, ss. 30, 165.
Southam v. Smout, C.A. [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606.

Maximum sentence apt if defendant of good character—Contempt—Appeal against sentence—Whether evidence of previous good character admissible—Evidence to be adduced on affidavit—County Courts Act, 1959, s. 30—Administration of Justice Act, 1960, s. 13.
Crowley v. Brown, C.A. [1964] 1 W.L.R. 147.

COUNTY COURT—*continued.*

Jurisdiction

Action for recovery of land

Mortgagee's claim for possession of mortgaged property—Annual value less than £400—Amount owing in respect of mortgage in excess of £500—Right of mortgagee to bring action in county court—County Courts Act, 1959, ss. 48 (1), 52 (1) (*c*) (as amended by County Courts (Jurisdiction) Act, 1963, s. 5).
West Penwith Rural District Council v. Gunnell, C.A. [1968] 1 W.L.R. 1153.

Ancillary relief

Declaration Landlord and tenant—Claim for damages for breach of covenant—Claim for declaration that tenancy rent-controlled—Whether relief ancillary to action for damages—Whether county court jurisdiction to grant declaration—County Courts Act, 1959, s. 74.
Kenny v. Preen, C.A. [1963] 1 Q.B. 499; [1962] 3 W.L.R. 1233.

Easement—Claim for declaration that defendant not entitled to right of way—Claims for damages for trespass, and injunctions to restrain trespass—Whether claim in title ancillary to claim in damages or vice versa—Whether jurisdiction to transfer action to county court—County Courts Act, 1959, ss. 39 (1), 45 (1) (2), 51 (as amended).
Thompson v. White, Brightman J. [1970] 1 W.L.R. 1434.

Dismissal of action for want of prosecution

Defendants' application—Whether jurisdiction in county court to dismiss action for want of prosecution on defendants' application—Whether such application should be made to registrar or judge—County Courts Act, 1959, s. 103—County Court Rules, 1936 (as amended 1936–64)—R.S.C. (Rev. 1965), Ord. 13, rr. 3 (1) (2), 4 (3) (4).
Kirkpatrick v. Salvation Army Trustee Co. Ltd., C.A. [1968] 1 W.L.R. 1955.

Interlocutory order

Defended action adjourned by registrar—Notice of adjournment not received in time by plaintiff's solicitors—Application for costs thrown away made in absence of defendant—Judge's order adjourning case and ordering defendant to give security for costs—Whether judge entitled to make order—County Court Rules, 1936 (as amended 1936–1967), Ord. 13, r. 2. **Tetley Tea Co. Ltd. v. Alderson,** C.A. [1969] 1 W.L.R. 102.

Landlord and tenant

Application for new tenancy of business premises—Whether court entitled to grant tenancy of part of holding—Landlord and Tenant Act, 1954, ss. 29, 30, 32.
Fernandez v. Walding, C.A. [1968] 2 Q.B. 606; [1968] 2 W.L.R. 583.

Possession action—Oral agreement for tenancy for lives—Equitable defence—Whether tenant entitled to specific performance—Premises over £500 in value—County Courts Act, 1959, ss. 52 (1) (*d*), 74. **Kingswood Estate Co. Ltd. v. Anderson,** C.A. [1963] 2 Q.B. 169; [1962] 3 W.L.R. 1102.

Married Women's Property Act. See HUSBAND AND WIFE (**Act of 1882, s. 17**).

Paternity issue

Divorce county court—Whether jurisdiction to order blood test of child in paternity issue—Transfer of High Court jurisdiction to county court—Matrimonial Causes Act, 1967, s. 2. **B. (B. R.) v. B. (J.),** C.A. [1968] P. 466; [1968] 3 W.L.R. 566.

Payment out of court

Whether inherent jurisdiction to order repayment of money paid out of court in error—Use of wrong form. **Gainsborough Mixed Concrete Ltd. v. Duplex Petrol Installations Ltd.,** C.A. [1968] 1 W.L.R. 1463.

Landlord and tenant

Action for possession for non-payment of rent

Payment into court by person other than defendant—Whether action ceases—"Lessee"—County Courts Act, 1959, s. 191 (1) (*a*).
Matthews v. Dobbins, C.A. [1963] 1 W.L.R. 227.

Application for new tenancy of business premises

Whether mortgagee in possession of reversion a necessary respondent—Landlord and Tenant Act, 1954, ss. 44 (1), 67—County Court Rules, 1936, Ord. 40, rr. 8 (1) (2), 21 (2).
Meah v. Mouskos, C.A. [1964] 2 Q.B. 23; [1964] 2 W.L.R. 27.

Forfeiture of lease

Form 134—Forfeiture of lease for non-payment of rent—Premises subject to Rent Acts—Order for possession determining only contractual tenancy—Proper form of order—Form 134 misleading—County Courts Act, 1959, s. 191—County Court Rules, 1936, Ord. 24, r. 4 (1), Form 134.
Wolmer Securities Ltd. v. Corne, C.A. [1966] 2 Q.B. 243; [1966] 2 W.L.R. 1381.

Possession order

Power to suspend.
Moore v. Lambeth County Court Registrar, C.A. [1969] 1 W.L.R. 141.

COUNTY COURT—*continued.*

New trial

Fresh evidence

Employer sued for wrongful dismissal—New allegations of misconduct discoverable before end of trial—Whether new trial should be ordered.
Cowling v. Matbro Ltd., C.A. [1969] 1 W.L.R. 598.

Non-suit

Judicial discretion

Interference with—If substantial error or real injustice effected—County Court Act, 1846, s. 79.
Ume v. Ezechi, P.C. [1964] 1 W.L.R. 701.

Pleadings

Striking out

Action transferred from High Court—Failure to give particulars—Order in High Court for delivery of particulars of amended statement of claim—No peremptory order with penalties in default—Whether county court judge jurisdiction to strike out—County Courts Act, 1959, s. 103—County Court Rules, 1936, Ord. 7, r. 9 (2).
Williamson v. Rider, C.A. [1963] 1 Q.B. 89; [1962] 3 W.L.R. 119.

Summons

Service

Summons sent by ordinary post to defendant's address and delivered—Defendant on holiday—No knowledge of proceedings—Judgment obtained by plaintiff in default of appearance—Defendant's application to set aside granted, but costs thrown away made costs in cause—Court's power to make order—Whether defendant entitled to have judgment set aside ex debito justitiae—Whether summons properly "served"—Whether correctly addressed—Interpretation Act, 1889, s. 26—County Court Rules, 1936, Ord. 8, r. 8 (2).
Cooper v. Scott-Farnell, C.A. [1969] 1 W.L.R. 120.

Summons sent to defendant by post to address he had left five months previously—No knowledge of proceedings—Plaintiff given judgment with costs—Defendant's application to set judgment aside granted, but costs made costs in cause—Court's power to make order for costs—Whether summons properly "served"—"Properly addressing"—Interpretation Act, 1889, s. 26—County Court Rules, 1936, Ord. 8, r. 8.
White v. Weston, C.A. [1968] 2 Q.B. 647; [1968] 2 W.L.R. 1459.

COURT. *See* TRIBUNAL.

COURT-MARTIAL. *See* MILITARY LAW.

COURT OF APPEAL. (*See also* CRIME (**Court of Criminal Appeal**); JUDICIAL PRECEDENT.)

Abandonment of appeal. *See* **Compromise.**

Admiralty appeals

Nautical and other assessors

Court below assisted by assessors—Practice in Court of Appeal.
Practice Direction (Admiralty Appeals: Assessors), C.A. [1965] 1 W.L.R. 853.

Argument not adjudicated upon below

Adumbrated but not pressed

Jurisdiction of Court of Appeal.
Akerib v. Booth and Others Ltd., C.A. [1961] 1 W.L.R. 367.

Argument not raised below

County court

Appeal from—Point of law not taken in county court—Not to be taken in Court of Appeal.
Robophone Facilities Ltd. v. Blank, C.A. [1966] 1 W.L.R. 1428.

————————————Wrong assumption by both counsel and judge as to law applicable—Whether case decided on "false hypothesis"—Whether exception to rule.
Oscroft v. Benabo, C.A. [1967] 1 W.L.R. 1087.

Discretion of appellate court to entertain

Recognition of foreign state—Whether court under duty to inquire of executive as to recognition for purposes of pending appeal.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd., C.A. [1965] Ch. 525; [1964] 3 W.L.R. 905.

Judgment for plaintiffs on point not pleaded nor argued

Plaintiffs' cross-notice—Plaintiffs seek to uphold judgment on new grounds not relied upon below—Amendment of plaintiffs' cross-notice and pleadings.
John Carter (Fine Worsteds) Ltd. v. Hanson Haulage (Leeds) Ltd., C.A. [1965] 2 Q.B. 495; [1965] 2 W.L.R. 553.

COURT OF APPEAL—*continued.*

Argument not raised below—*continued.*

Negligence

Whether plaintiffs should be allowed to make new allegations of negligence in Court of Appeal.
McAdam v. J. & J. Denholm (Management) Ltd., C.A. [1968] 2 Lloyd's Rep. 511.

New case entertained by appellate court

Facts not fully investigated below—Prejudice.
Warehousing & Forwarding Co. of East Africa Ltd. v. Jafferali & Sons Ltd., P.C. [1964] A.C. 1; [1963] 3 W.L.R. 489.

Notice of appeal

Procedure summons seeking discovery of documents—Question on construction of Restrictive Trade Practices Act, 1956—Entitlement of Registrar of Restrictive Trading Agreements to discovery—Amendment of notice and summons.
Automatic Telephone and Electric Co. Ltd. v. Registrar of Restrictive Trading Agreements, C.A. (1965) L.R. 5 R.P. 135; [1965] 1 W.L.R. 174.
Schweppes Ltd. v. Registrar of Restrictive Trading Agreements, C.A. (1965) L.R. 5 R.P. 103; [1965] 1 W.L.R. 157.

Point pleaded but not argued

Not expressly abandoned—Respondent's notice seeking to uphold judgment on ground other than that relied upon by judge—Whether allowable—Position of respondent on appeal—Whether different from that of appellant.
Thomas v. Marconi's Wireless Telegraph Co. Ltd., C.A. [1965] 1 W.L.R. 850.

Premature application for discovery

Application for discovery of documents relating to amount due under contract—Contract disputed—Intervention by Court of Appeal—Direction to amend notice of appeal—Order of judge reversed—R.S.C., Ord. 24, rr. 7, 8.
Buchanan-Michaelson v. Rubinstein, C.A. [1965] 1 W.L.R. 390.

Question not raised in affidavits

Refusal to entertain.
Commercial Plastics Ltd. v. Vincent, C.A. [1965] 1 Q.B. 623; [1964] 3 W.L.R. 820.

Question of construction

Application of safety regulation accepted—Question dependent on construction and uncontroverted facts—Whether regulation applicable.
Donaghey v. P. O'Brien & Co., C.A. [1966] 1 W.L.R. 1170.
Donaghey v. Boulton & Paul Ltd., H.L.(E.) [1968] A.C. 1; [1967] 3 W.L.R. 829.

Camera, hearing in. *See* OPEN COURT.

Compromise

Settlement on terms

Consent order sought—Whether consent brief of counsel required.
Goulston Discount Co. Ltd. v. Campbell, C.A. [1962] 1 W.L.R. 1425.

Whether binding

Agreement for dismissal " with no order as to costs "—Initialled by president of the court —Order not drawn up—Motion to restore appeal—Jurisdiction—Discretion—R.S.C., Ord. 41, r. 1. **National Benzole Co. Ltd. v. Gooch,** C.A. [1961] 1 W.L.R. 1489.

Costs, appeal from order. *See* COSTS.

County Court

Appeal from

Contempt of court—Appeal against sentence—Whether evidence of previous good character admissible—Evidence to be adduced on affidavit—Previous good character exacerbating circumstance—County Courts Act, 1959, s. 30—Administration of Justice Act, 1960, s. 13.
Crowley v. Brown, C.A. [1964] 1 W.L.R. 147.

——————Proceedings in nature of contempt of court—Appeal against order and sentence—Administration of Justice Act, 1960, s. 13.
Southam v. Smout, C.A. [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606.

Illegal contract enforced by county court—Illegality point not then argued—Whether point may be taken on appeal—Hire-purchase agreement—County Courts Act, 1959, s. 108.
Snell v. Unity Finance Co. Ltd., C.A. [1964] 2 Q.B. 203; [1963] 3 W.L.R. 559.

Ruling—Judge's ruling that burden of proof on defendant and for defendant to open case—Whether appeal lies—Whether judge's ruling " direction " or " order "—County Courts Act, 1959, s. 108—R.S.C. (Rev. 1965), Ord. 59, r. 4.
Seldon v. Davidson, C.A. [1968] 1 W.L.R. 1083.

COURT OF APPEAL—*continued.*

Damages. (*See also* DAMAGES (**Appeal**).)

Appeal from High Court

Facts unchallenged—No misdirection alleged—Appellate court will not revise judge's determination of amount. **Brown v. Thompson,** C.A. [1968] 1 W.L.R. 1003.

Libel action before judge alone—Principles relating to his pre-eminence.
Dingle v. Associated Newspapers Ltd., H.L.(E.) [1964] A.C. 371; [1962] 3 W.L.R. 229.

Appeal on apportionment

Road accident—Collision between motor car and pedestrian on main highway—Pedestrian clearly visible to approaching car—Car clearly visible to pedestrian—No evasive action taken either by pedestrian or driver of car—Judge's finding that driver 75 per cent. liable for collision—Whether erroneous—Whether Court of Appeal entitled to interfere—Principles applicable.
Baker v. Willoughby, C.A. [1970] A.C. 467; [1969] 2 W.L.R. 489.
H.L.(E.) [1970] A.C. 467; [1970] 2 W.L.R. 50.

Appeal on quantum

Assessment on wrong basis—Change of circumstances—Admission of fresh evidence—Increase. **Murphy v. Stone-Wallwork (Charlton) Ltd.,** H.L.(E.) [1969] 1 W.L.R. 1023.

Principles applicable—Assessment on contemporary basis—Personal injuries.
Senior v. Barker & Allen Ltd., C.A. [1965] 1 W.L.R. 429.

Principles applicable—General damages too low—Special damages for loss of earnings too high—Global sum awarded a fair and proper sum—Whether court will interfere—Proper approach when considering appeals on quantum.
Povey v. W. E. & E. Jackson, C.A. [1970] 1 W.L.R. 969.

Jury, award by

Libel—Whether Court of Appeal may interfere. **McCarey v. Associated Newspapers Ltd. (No. 2),** C.A. [1965] 2 Q.B. 86; [1965] 2 W.L.R. 45.

Personal injuries

Examination by appellate court of injuries—Permanent impairment of function in right arm—Whether Court of Appeal should accede to request to examine.
Stevens v. William Nash Ltd., C.A. [1966] 1 W.L.R. 1550.

Discretion of judge, matter within

Application for jury

Whether judge required to exercise discretion in accordance with maxims laid down by Court of Appeal—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6—R.S.C., Ord. 36, rr. 1 (3), 2. **Watts v. Manning,** C.A. [1964] 1 W.L.R. 623.

Apportionment of blame for accident

When Court of Appeal will interfere. **Kerry v. Carter,** C.A. [1969] 1 W.L.R. 1372.

Apportionment of blame for road accident

Whether appellate court will substitute its own discretion for that of judge.
Brown v. Thompson, C.A. [1968] 1 W.L.R. 1003.

Company

Petition for compulsory winding up of insolvent company—Whether decision of judge could be interfered with on appeal. *In re* **J. D. Swain Ltd.,** C.A. [1965] 1 W.L.R. 909.

Costs

Plaintiffs awarded full costs against legally aided defendant with nil contribution—Whether award wholly unreasonable.
Mercantile Credit Co. Ltd. v. Cross, C.A. [1965] 2 Q.B. 205; [1965] 2 W.L.R. 687.

Extension of time bar

Extension refused by trial judge—Whether Court of Appeal should interfere—Maritime Conventions Act, 1911, s. 8.
The Alnwick, Hewson J. and C.A. [1965] P. 357; [1965] 3 W.L.R. 118.

Family provision

Reasonable provision for widow—Whether Court of Appeal may increase amount.
In re **Thornley, decd.,** C.A. [1969] 1 W.L.R. 1037.

Refusal to make provision for widow out of small estate—Whether Court of Appeal will interfere. *In re* **Gregory, decd.,** C.A. [1970] 1 W.L.R. 1455.

Husband and wife

Maintenance—Lump sum award—Quantum—Assessment—Matrimonial Causes Act, 1965, s. 16 (1). **Davis v. Davis,** C.A. [1967] P. 185; [1966] 3 W.L.R. 1157.

Settlement—Variation—Erroneous exercise of discretion—Rectification by Court of Appeal.
Smith v. Smith, C.A. [1970] 1 W.L.R. 155.

————————New order by Court of Appeal.
Spizewski v. Spizewski, C.A. [1970] 1 W.L.R. 522.

COURT OF APPEAL—*continued.*

Discretion of judge, matter within—*continued.*

Jurisdiction

Appeal from official referee—Dismissal for want of prosecution—Whether exercise of discretion a question of law—Whether appeal lies—R.S.C. (Rev. 1965), Ord. 58, r. 5.
Instrumatic Ltd. v. Supabrase Ltd., C.A. [1969] 1 W.L.R. 519.

Mode of trial—Order for trial by judge and jury—Personal injuries—Exceptional case—Whether discretion rightly exercised Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6—R.S.C., Ord. 36, r. 1 (3).
Hodges v. Harland & Wolff Ltd., C.A. [1965] 1 W.L.R. 523.

——————Statute providing for mode of trial in discretion of court or judge—Rule of court providing that discretion of judge in making or varying any order "an absolute one"—Whether discretion "absolute"—Power of Court of Appeal to intervene—Whether rule ultra vires—Application for jury—Personal injuries—Order for trial by jury—Discretion exercised in light of considerations then current—Acquiescence in mode of trial for 15 months—Whether court will interfere with judge's discretion—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6—R.S.C., Ord. 36, r. 1 (3). **Ward v. James,** C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

Payment into court

Libel and slander—Separate causes of action in one libel—Whether plaintiff entitled to make one payment into court—R.S.C., Ord. 82, r. 4 (1).
Pedley v. Cambridge Newspapers Ltd., C.A. [1964] 1 W.L.R. 988.

Documents, reading of

Preliminary reading by court

Experimental procedure.
Practice Statement (Reading Documents), C.A. [1962] 1 W.L.R. 395.

Evidence

Note of

Liverpool Court of Passage—Trial judge's note of evidence given at hearing—Provision for use of Court of Appeal—Practice not to allow parties or legal advisers to see note—Undesirability. **Jones v. McKie,** C.A. [1964] 1 W.L.R. 960.

Fact, question of. (*See also* PRIVY COUNCIL.)

Appeal from High Court

Fraud—Acquittal by judge—Grave doubts about judge's finding—Finding to be displaced on appeal only if Court of Appeal convinced finding wrong.
Gross v. Lewis Hillman Ltd., C.A. [1970] Ch. 445; [1969] 3 W.L.R. 787.

Appeal from Lands Tribunal

Conclusions unsupported by evidence—Power of appellate court to form own opinion.
Solihull Corpn. v. Gas Council, C.A. [1961] 1 W.L.R. 619.

Appeal from lower court

Duty of appellate court to decide what inference should be drawn from undisputed evidence—Fall down stairs in dark—Cause of fall.
Wheat v. E. Lacon & Co. Ltd., H.L.(E.) [1966] A.C. 552; [1966] 2 W.L.R. 581.

Inference from primary facts—Mixed law and fact—Claim in county court for price of goods sold and delivered—Value less than £150—Goods ordered by one of two persons carrying on business prior to formation of company—Claim by seller against other person as partner—Judge's finding that no partnership in existence—Whether a right of appeal. **Keith Spicer Ltd. v. Mansell,** C.A. [1970] 1 W.L.R. 333.

Whether motorist negligent in not seeing wires on road—View of road by judge—Judge entitled to rely on impressions formed at view—Inability of appellate court to interfere.
Salsbury v. Woodland, C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

Fresh evidence. *See* EVIDENCE.

Issue wrongly not determined below

Whether Court of Appeal should remit or decide it

Validity of registration of alleged land charge—Judges' refusal to determine on originating summons—Wrong exercise of discretion.
Georgiades v. Edward Wolfe & Co. Ltd., C.A. [1965] Ch. 487; [1964] 3 W.L.R. 653.

Judgment appealed from

Amendments by judge to shorthand note of judgment

Whether Court of Appeal should look at original transcript.
Bromley v. Bromley, C.A. [1965] P. 111; [1964] 3 W.L.R. 666.

Supplementary note by judge

Whether appellate court should be influenced thereby.
Jones v. McKie, C.A. [1964] 1 W.L.R. 960.

COURT OF APPEAL—*continued.*

Jurisdiction

Admission of evidence

Appeal from official referee—Appeal on ground that no evidence to support findings—No official shorthand note—Official referee's note of evidence inadequate—Application to substitute note taken by party's instructing solicitor—Agreement by official referee—Objection by other party—Whether court has power to substitute—Normal practice —R.S.C. (Rev. 1965), Ord. 59, r. 12 (1) (*b*).

Thompson v. Andrews, C.A. [1968] 1 W.L.R. 777.

Adoption

Inherent jurisdiction to set aside order properly made on available evidence.

In re **F. (R.) (An Infant),** C.A. [1970] 1 Q.B. 385; [1969] 3 W.L.R. 853.

Criminal cause or matter

Mandamus order directing Commissioner of Police of Metropolis to reverse decision not to enforce law—Whether "criminal cause or matter"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*a*).

Reg. v. Comr. of Police of the Metropolis, *Ex parte* **Blackburn,** C.A. [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893.

Crown practice

Prerogative orders—Original jurisdiction—Leave to apply for certiorari refused by Divisional Court—Leave granted by Court of Appeal—Whether jurisdiction in Court of Appeal to hear original application—Long-standing practice of court granting leave to hear application—No special provision in Rules of Supreme Court covering practice —Advantage of practice in simplifying procedure—Juridiction assumed under statute based on former practice—R.S.C., Ord. 59, r. 5—Supreme Court of Judicature (Consolidation) Act, 1925, s. 32.

Reg. v. Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union,** C.A. [1966] 2 Q.B. 21; [1966] 2 W.L.R. 91.

Discretion of judge, matter within. See **Discretion of judge, matter within.**

Finding of lower court

Finding of negligence by trial judge based on evidence—Appellate court wrong to substitute own conclusions—Malaysia.

Chin Keow v. Government of Malaysia, P.C. [1967] 1 W.L.R. 813.

Liverpool Court of Passage

Appeal from decision of registrar on action referred to him by consent—Whether appeal lies to the Court of Appeal or to the Divisional Court—R.S.C., Ord. 36A, r. 10; Ord. 54, r. 24; Ord. 59, r. 34—Rules of the Court of Passage, Ord. 54, r. 15—Liverpool Corporation Act, 1921, ss. 246, 253, 255, 260.

Watson v. Thomas S. Whitney & Co. Ltd., C.A. [1966] 1 W.L.R. 57.

Order of Bankruptcy Court

Order directing Minister of Education to pay sum due to bankrupt to trustee—Order based on wrong construction of statute—Minister's locus standi to appeal doubtful—Duty of Court of Appeal. *In re* **Duckett,** C.A. [1964] Ch. 398; [1964] 2 W.L.R. 106.

Striking out notice of appeal

Appeal incompetent as raising no point of law—Power of Court of Appeal to strike out—Landlord and tenant—Business premises—Application for new lease—Dispute as to rent—Judge's decision as to proper rent payable—Fact or law—Whether appeal lies—Landlord and Tenant Act, 1954, s. 29.

Aviagents Ltd. v. Balstravest Investments Ltd., C.A. [1966] 1 W.L.R. 150.

Trusts

Court order relating to trustees' duties—Sought by trustees seeking protection of court—Whether trustees have right of appeal.

In re **Londonderry's Settlement,** C.A. [1965] Ch. 918; [1965] 2 W.L.R. 229.

Jury's verdict, appeal from. *See* DAMAGES **(Personal injuries).**

Leave to appeal

Conditional leave to defend action

Order refusing defendant unconditional leave to defend—Whether plaintiff requires leave to appeal—Whether interlocutory appeal—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (2).

Gordon v. Cradock, C.A. [1964] 1 Q.B. 503; [1963] 2 W.L.R. 1252.

Costs

Legal aid—Unassisted party successful—Judge's view that costs to be paid out of fund—Reference to master—Master's and judge's refusal to order payment of costs out of fund —Appeal—Whether final or interlocutory—Whether leave to appeal needed—Legal Aid Act, 1964, s. 1. **Hanning v. Maitland,** C.A. [1969] 1 W.L.R. 1885.

Mental disorder

Leave to bring proceedings—Application to judge in chambers to bring proceedings against police and mental health authorities—Judge's refusal of leave—Whether interlocutory order requiring leave to appeal—Supreme Court of Judicature (Consolidation) Act, 1925, s. 31 (1) (*i*)—Mental Health Act, 1959, s. 141 (2).

Moore v. Comr. of Metropolitan Police, C.A. [1968] 1 Q.B. 26; [1967] 3 W.L.R. 572.

COURT OF APPEAL—*continued.*

Lodging papers

Expedition

To be lodged as soon as appeal entered.

Ramble v. Norman Courtney Guide Escort Services Ltd., C.A. [1963] 1 W.L.R. 618.

Maintenance

Appeal from High Court

Appeal on quantum—Award on high side—Whether Court of Appeal will interfere.

Williams v. Williams, C.A. [1965] P. 125; [1964] 3 W.L.R. 832.

Notice of appeal. (*See also* **Argument not raised below.**)

Contempt of court. *See* Contempt of Court.

Grounds of appeal

Formulation. **Practice Statement (Reading Documents)**, C.A. [1962] 1 W.L.R. 395.

Order

Interpleader

Master's order in favour of claimant—Order that sheriff withdraw—Appeal allowed—Master's order reversed—Practice—Sheriff to retake possession.

P.B.J. Davis Manufacturing Co. Ltd. v. Fahn, Fahn (Claimant), C.A. [1967] 1 W.L.R. 1059.

Recall

Order not drawn up—Abandonment of appeal—Agreement for dismissal—Order not drawn up—Jurisdiction on application to restore.

National Benzole Co. Ltd. v. Gooch, C.A. [1961] 1 W.L.R. 1489.

————————Appeal restored—Consideration of damages awarded by another division of the Court of Appeal.

Bastow v. Bagley & Co. Ltd., C.A. [1961] 1 W.L.R. 1494.

Payment into court

Disclosure of

Appeal on quantum of damages—Whether desirable that Court of Appeal be informed of amount of payment in. **Mason v. Mason**, C.A. [1966] 1 W.L.R. 767.

Pleadings

Amendment. *See* Practice.

Solicitor

Withdrawal of

Pending appeal to Court of Appeal—Procedure—"Proper officer"—R.S.C., Ord. 7, r. 4 (1); Ord. 58, r. 5 (5).

Practice Direction (Withdrawal of Solicitor), C.A. [1961] 1 W.L.R. 1102.

Third parties

Respondent's notice

Whether leave needed to serve third parties—R.S.C. (Rev. 1965), Ord. 59, rr. 3 (5), 6 (4).

British Road Services Ltd. v. Arthur V. Crutchley & Co. Ltd. (Practice Note), C.A. [1967] 1 W.L.R. 835.

Time for appeal

Appeal out of time

Debtor's appeal against receiving order—Receiving order founded on bad debt—Debtor hopelessly insolvent—Whether proper to grant leave—Relevant considerations.

In re **Noble (A Bankrupt)**, C.A. [1965] Ch. 129; [1964] 3 W.L.R. 206.

Interlocutory appeal—Order for trial by jury—Personal injuries—Change in law since order made—Relevance—Action some way from trial—Whether time should be extended—R.S.C., Ord. 3, r. 5.

Ward v. James, C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

Date from which time runs

When judgment or order authenticated—R.S.C., Ord. 58, r. 4 (1).

Lant v. Lant, C.A. [1964] 1 W.L.R. 829.

Withdrawal of appeal. *See* **Compromise.**

COURT OF CRIMINAL APPEAL. *See* Crime.

COURTS-MARTIAL APPEAL COURT. *See* Military Law.

CRIME. (*See also* Justices.)

Abortion

Procuring instruments

"Procure"—Offences against the Person Act, 1861, s. 59.

Reg. v. Mills, C.A. [1963] 1 Q.B. 522; [1963] 2 W.L.R. 137.

CRIME—*continued.*

Accessory after the fact

Assistance to felon

Accessory after the fact to receiving—Charge of assisting the principal felon—Personal gain—Whether assisting principal felon.
Reg. v. Andrews, C.C.A. [1962] 1 W.L.R. 1474.

Offence committed before abolition of felonies and misdemeanours—Indictment signed after abolition—Whether abolition retroactive—Whether statutory provisions for indictment and punishment still in force—Validity of conviction—Interpretation Act, 1889, s. 38 (2)—Criminal Law Act, 1967, ss. 1, 4, 10 (2), Sch. 3.
Reg. v. Fisher (Charles), C.A. [1969] 1 W.L.R. 8.

Whether jurisdiction to hear summarily—Accessories and Abettors Act, 1861, s. 7—Magistrates' Courts Act, 1952, s. 19.
Reg. v. West, C.C.A. [1964] 1 Q.B. 15; [1962] 3 W.L.R. 218.

Wife assisting husband and another man—No evidence of coercion by husband—Whether wife accessory after the fact to offence committed by other man—Criminal Justice Act, 1925, s. 47. **Reg. v. Holley,** C.C.A. [1963] 1 W.L.R. 199.

Affray

Principal in the second degree

When jury may properly convict—Whether encouragement a requirement before an accused person can be convicted.
Reg. v. Allan, C.C.A. [1965] 1 Q.B. 130; [1963] 3 W.L.R. 677.

Public place

Fight in public house—Several men fighting on premises—Fights starting before and after closing time—Whether a " public place "—Whether principals.
Reg. v. Mapstone (Note), Paull J. [1964] 1 W.L.R. 439.

Nature and ambit of offence—Communis error—Whether public place necessary ingredient of offence—Fight on private premises to the terror of bystanders—Whether sufficient to constitute affray.
Reg. v. Button; Reg. v. Swain, C.C.A. [1966] A.C. 591; [1965] 2 W.L.R. 992.
H.L.(E.) [1966] A.C. 591; [1965] 3 W.L.R. 1131.

Aiding and abetting

Common design

Homicide—Concerted attack—Defendant not present—Use of knife by principal—Defendant's knowledge that principal carrying knife—Whether use of knife within scope of concerted action. **Reg. v. Smith (Wesley),** C.C.A. [1963] 1 W.L.R. 1200.

————Fight—Knife unknown to co-adventurer used.
Reg. v. Anderson; Reg. v. Morris, C.C.A. [1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195.

Continuing offence

Causing death by dangerous driving. **Reg. v. Robert Millar (Contractors) Ltd.,**
Fisher J. and C.A. [1970] 2 Q.B. 54; [1970] 2 W.L.R. 541.

Counselling or procuring

Counselling and procuring commission of felony by co-defendant and other persons unknown—Acquittal of co-defendant—Circumstances in which jury entitled to convict defendant of being accessory.
Reg. v. Anthony, C.C.A. [1965] 2 Q.B. 189; [1965] 2 W.L.R. 748.

Encouraging unlawful act

Minimal requirement to constitute principal in second degree—Affray.
Reg. v. Allan, C.C.A. [1965] 1 Q.B. 130; [1963] 3 W.L.R. 677.

Police officer obtaining evidence of soliciting—Whether accomplice—Whether corroboration of officer's evidence required. **Sneddon v. Stevenson,** Divl.Ct. [1967] 1 W.L.R. 1051.

Homicide

Common design—No pre-arranged plan—Fatal wound caused by one or other of two defendants—Both striking deceased—Whether principal in the second degree.
Mohan v. The Queen, P.C. [1967] 2 A.C. 187; [1967] 2 W.L.R. 676.

Inchoate crime

Preparations before victim selected—Bank account opened for another man—Intention to use account to pay in forged cheque—Cheque not in existence when account opened—Whether aiding and abetting fraudulent use of cheques.
Thambiah v. The Queen, P.C. [1966] A.C. 37; [1966] 2 W.L.R. 81.

Involuntary manslaughter

Death following criminal abortion—Abortion counselled and procured by defendant—Defendant not present at abortion — Death unintended — Whether defendant accessory before the fact to manslaughter.
Reg. v. Creamer, C.C.A. [1966] 1 Q.B. 72; [1965] 3 W.L.R. 583.

CRIME—*continued.*

Aiding and abetting—*continued.*

Mens rea

Company servant knowingly but inadvertently allowing overladen vehicle to leave company's weighbridge—Lorry driver convicted of offence—No knowledge by company of facts constituting offence—Whether guilty of aiding and abetting—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 68—Road Traffic Act, 1960, s. 64.
John Henshall (Quarries) Ltd. v. Harvey, Divl.Ct. [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758.

Principal, whether

Party to conspiracy to steal—Not present or participating in theft—No constructive presence—Whether accessory before the fact or principal—Whether inconsistent to convict of conspiracy and receiving the goods stolen.
Reg. v. Froggett, C.C.A. [1966] 1 Q.B. 152; [1965] 3 W.L.R. 602.

Unlawful possession of explosive substance

Whether offence capable of being aided and abetted—Elements necessary to constitute aiding and abetting—Explosive Substances Act, 1883, s. 4 (1).
Reg. v. McCarthy, C.C.A. [1964] 1 W.L.R. 196.

Aircraft, offence on

Jurisdiction

Larceny—Alleged offence on British aircraft over high seas—Whether accused could be tried for offence in England—Civil Aviation Act, 1949, s. 62 (1).
Reg. v. Naylor, Lord Parker C.J. [1962] 2 Q.B. 527; [1961] 3 W.L.R. 898.

Appeal

Bail

Grant of bail pending appeal against conviction—Subsequent abandonment of appeal against conviction—Application for leave to appeal against sentence—Whether applicant released on bail should be returned to prison.
Reg. v. Cullis; Reg. v. Nash, C.A. [1969] 1 All E.R. 593; 53 Cr.App.R. 162.

Arson

Dwelling-house

Setting fire to dwelling-house, any person being therein—Defendant only person in house—Whether "any person . . therein"—Whether offence committed—Malicious Damage Act, 1861, s. 2. **Reg. v. Arthur**, Howard J. [1968] 1 Q.B. 810; [1968] 2 W.L.R. 533.

Assault

Police

Boy held by police officers—Assault by father on constable to release son—Genuine but mistaken belief that son being unlawfully restrained—Whether a defence to assaulting a police constable acting in due execution of duty.
Reg. v. Fennell, C.A. [1970] 3 W.L.R. 513.

Car driven on to policeman's foot—Doubt whether intentional or accidental—Deliberate delay in removing car—Mens rea—Actus reus—Whether subsequent inception of mens rea capable of converting original unintentional act into an assault.
Fagan v. Metropolitan Police Comr., D.C. [1969] 1 Q.B. 439; [1968] 3 W.L.R. 1120.

"Due execution of duty"—Power to detain property without charge or arrest—Signal to stop stationary car—Whether police acting in due execution of duty—Whether signal valid exercise of power—Removal of car involving assault on police—Whether assault on police in due execution of duty—Offences against the Person Act, 1861, s. 38—Road Traffic Act, 1960, s. 223.
Reg. v. Waterfield, C.C.A. [1964] 1 Q.B. 164; [1963] 3 W.L.R. 946.

Police constable touching defendant on shoulder intending to stop him to speak to him—Assault by defendant—Whether constable assaulted when acting in execution of his duty.
Donnelly v. Jackman, D.C. [1970] 1 W.L.R. 562.

Police officers making inquiries—Entry by front gate and knock at door of house—Whether implied licence from occupier—Whether trespassers ab initio—Whether reasonable time to act after licence revoked—Whether officers acting in execution of their duty.
Robson v. Hallett, Divl.Ct. [1967] 2 Q.B. 939; [1967] 3 W.L.R. 28.

Self-defence — Detention by police officers to question — Decision to arrest not made—Genuine belief that officers not policemen—Assault on officers in ensuing struggle—Whether technical assault by police officers—Whether justified—Whether self-defence justification for assault on police officers—Police Act, 1964, s. 51 (1).
Kenlin v. Gardiner, Divl.Ct. [1967] 2 Q.B. 510; [1967] 2 W.L.R. 129.

Right to defend home

Bailiff executing civil process—Door of execution debtor's house unfastened—Physical resistance by debtor to bailiff's entry—Assault in course of resistance—Warrant not produced—Debtor's knowledge that a bailiff and of object of visit—Whether assault on bailiff "while in the execution of his duty"—County Courts Act, 1959, s. 30 (1).
Vaughan v. McKenzie, Divl.Ct. [1969] 1 Q.B. 557; [1968] 2 W.L.R. 1133.

CRIME—*continued.*

Assault—*continued.*

Trespasser

Police officer trespassing—Right to punch him in the face—Alleged mental patient.
Townley v. Rushworth, Divl.Ct. (1964) 62 L.G.R. 95.

Attempt

Definition

Acts necessary to constitute attempt—Proximity of acts to offence.
Davey v. Lee, Divl.Ct. [1968] 1 Q.B. 366; [1967] 3 W.L.R. 105.

Full offence proved

Attempt to commit felony, charge of—Whether proper to convict of the attempt—Housebreaking—Criminal Procedure Act, 1851.
Reg. v. Males, C.C.A. [1962] 2 Q.B. 500; [1961] 3 W.L.R. 1297.

Intent

Murder—Whether intent actual or presumed—Offences against the Person Act, 1861, s. 14.
Reg. v. Grimwood, C.C.A. [1962] 2 Q.B. 621; [1962] 3 W.L.R. 747.

Preparation

Procuring with intent to commit a crime—Forgery—Procuring stamp with intent to forge—Whether offence at common law.
Reg. v. Gurmit Singh, McNair J. [1966] 2 Q.B. 53; [1966] 2 W.L.R. 88.

Substantive offence only charged

Attempt in jurisdiction to obtain abroad by false pretences—Substantive offence completed—Criminal Procedure Act, 1851, s. 9.
Reg. v. Harden, C.C.A. [1963] 1 Q.B. 8; [1962] 2 W.L.R. 553.

Bigamy

Mens rea

Validity of previous marriage—Honest but mistaken belief on reasonable grounds that previous marriage dissolved—Whether a defence—Offences against the Person Act, 1861, s. 57. **Reg. v. Gould,** C.A. [1968] 2 Q.B. 65; [1968] 2 W.L.R. 643.

——————Whether honest belief on reasonable grounds that previous marriage bigamous a defence—Offences against the Person Act, 1861, s. 57.
Reg. v. King, C.C.A. [1964] 1 Q.B. 285; [1963] 3 W.L.R. 892.

Blackmail

Place where demand made

Letter demanding money with menaces—Letter posted in England sent to person abroad—Whether offence committed within jurisdiction of English court—Theft Act, 1968, s. 21 (1). **Reg. v. Treacy,** C.A. [1970] 3 W.L.R. 592.

Buggery, etc.

Consent of Director of Public Prosecutions to proceedings

Consent not obtained—Whether trial a nullity—Sexual Offences Act, 1967, s. 8.
Reg. v. Angel, C.A. [1968] 1 W.L.R. 669.

Central Criminal Court

Bail

Practice. **Practice Direction (Application for Bail: Central Criminal Court),** Lord Parker C.J. [1965] 1 W.L.R. 710.

Child, cruelty, etc. to. *See* CHILDREN AND YOUNG PERSONS.

Child, offences against. *See* CHILDREN AND YOUNG PERSONS.

Common law misdemeanour

Attempt

"Taking and driving away"—Penalty—Whether penalty for attempt to be equated with penalty for completed offence—Intention of Act—Magistrates' Courts Act, 1952, s. 19 (9).
Bell v. Ingham, D.C. [1969] 1 Q.B. 563; [1968] 3 W.L.R. 401.

Conspiracy. See **Conspiracy.**

Contra bonos mores, offences

Act outraging public decency—Essential elements of offence—Whether proof of actual disgust and annoyance of members of public required—Whether evidence of disgust and annoyance of police officers sufficient.
Reg. v. Mayling, C.C.A. [1963] 2 Q.B. 717; [1963] 2 W.L.R. 709.

Keeping a disorderly house—Strip-tease performances made premises a disorderly house—"Disorderly house"—Meaning.
Reg. v. Quinn, C.C.A. [1962] 2 Q.B. 245; [1961] 3 W.L.R. 611.

Misbehaviour in a public office

Indictment—Description of offence—No allegation of dishonesty or fraud in indictment—Whether essential element—Related counts of fraud—Whether element of dishonesty inherent in wording—Whether offence disclosed.
Reg. v. Llewellyn-Jones, C.A. [1968] 1 Q.B. 429; [1967] 3 W.L.R. 1298.

CRIME—*continued.*

Common law misdemeanour—*continued.*

Sentence

Conspiracy—Limitation of sentence—Exercise of judicial discretion.
Verrier v. Director of Public Prosecutions, H.L.(E.) [1967] 2 A.C. 195; [1966] 3 W.L.R. 924.

————Public justice obstructed by obstruction of police in execution of duty—Sentence—Whether limited to maximum sentence for obstructing police.
Reg. v. Boal, C.C.A. [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593.

Misprision of felony—Receiving—Limitation of sentence—Statute of Westminster I.
Reg. v. Sykes, C.C.A. [1961] 2 Q.B. 9; [1961] 2 W.L.R. 392.

Common law offence

Elements covered by modern statute

Indictment to be framed contra formam statuti.
Reg. v. Pollock, C.C.A. [1967] 2 Q.B. 195; [1966] 2 W.L.R. 1145.

Compensation. (*See also* **Sentence.**)

Compensation order

Indictable offence—No application by person aggrieved—Order made by justices at request of defendants after pleas of guilty—No evidence of loss—Whether jurisdiction to make order—Forfeiture Act, 1870, s. 4 (as amended)—Magistrates' Courts Act, 1952, s. 34 (as amended)—Criminal Law Act, 1967, s. 10 (1), Sch. 2, para. 9.
Reg. v. Forest Justices, *Ex parte* **Coppin,** D.C. [1969] 1 W.L.R. 916.

————Whether jurisdiction to make order—Differing powers in relation to summary and indictable offences—Forfeiture Act, 1870, s. 4 (as amended)—Criminal Justice Administration Act, 1914, s. 14 (1)—Magistrates' Courts Act, 1952, s. 34 (as amended)—Criminal Law Act, 1967, s. 10 (1), Sch. 2, para. 9. **Reg. v. Taylor,** C.A. [1969] 1 W.L.R. 919.

Restitution order

Armed robbery—Money in defendant's safe deposit box—Whether money taken out of defendant's possession "on his apprehension"—Defendant's denial that money belonged to him—No evidence of ownership—Exercise of court's discretion—Theft Act, 1968, s. 28 (1) (*c*) (4). **Reg. v. Ferguson,** C.A. [1970] 1 W.L.R. 1246.

Statutory conditions not fulfilled—Whether right of appeal against restitution order—Theft Act, 1968, s. 28 (1). **Reg. v. Thebith,** C.A. (1969) 54 Cr.App.R. 35.

Stolen property—Defendant charged with handling part of stolen property—Recovery of goods handled—Compensation order in respect of other stolen goods—Exercise of discretion—Whether right of appeal against order—Theft Act, 1968, s. 28 (1) (5)—Criminal Appeal Act, 1968, s. 30 (4). **Reg. v. Parker,** C.A. [1970] 1 W.L.R. 1003.

Conspiracy

Abroad, to commit acts

Alleged conspiracy in Canada—Conspiracy to defraud persons resident in U.S.A.—Evidence that valuable securities obtained outside Canada—Whether indictable offence if comparable conspiracy in England.
Reg. v. Governor of Brixton Prison, *Ex parte* **Rush,** D.C. [1969] 1 W.L.R. 165.

Conspiracy in England to obtain goods abroad by false representations—Intention of resale in England—Whether indictable offence.
Reg. v. Cox (Peter Stanley), C.A. [1968] 1 W.L.R. 88.

Absolute offence, to commit

Agreement to use fuel in road vehicles as "Derv" when it had not borne proper tax—Whether mens rea necessary—Customs and Excise Act, 1952, s. 200 (2).
Reg. v. Churchill (No. 2), C.C.A. [1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116.
H.L.(E.) [1967] 2 A.C. 224; [1967] 2 W.L.R. 682.

Cheating Crown

Complicated revenue offences—Severance of counts—Procedure for shortening proceedings—Whether conspiracies to commit statutory offences of evading purchase tax—Whether statutory limitation a bar to proceedings—When time begins to run—Purchase Tax Act, 1963, s. 34 (4). **Reg. v. Simmonds,** C.A. [1969] 1 Q.B. 685; [1967] 3 W.L.R. 367.

Commonwealth citizen

Entry into United Kingdom between 1962 and 1967—Evasion of control on immigration—No substantive offence—Entry effected clandestinely by combining with others—Whether offence—Commonwealth Immigrants Act, 1962, ss. 3 (1), 4 (1) (4), Sch. 1, Pt. 1, para. 1. **Reg. v. Bhagwan,** C.A. [1970] 2 W.L.R. 837.
H.L.(E.) [1970] 3 W.L.R. 501.

Company, with

"One man" company—Defendant sole person responsible for acts of company—Whether a conspiracy between defendant and company.
Reg. v. McDonnell, Nield J. [1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138.

CRIME—*continued.*

Conspiracy—*continued.*

Complicated charge of

Several conspiracies charged in substantive counts—Desirability of trying conspiracy count separately—No evidence that one conspiracy between all the defendants as opposed to a number of separate conspiracies—Whether one conspiracy—Desirability of trying conspiracy count separately.
Reg. v. Griffiths, C.C.A. [1966] 1 Q.B. 589; [1965] 3 W.L.R. 405.

Contra bonos mores. (*See also* **Common law misdemeanour.**)

Nature and ambit of offence—Publication of booklet containing advertisements by prostitutes—Whether statutory bar to bringing proceedings at common law—Obscene Publications Act, 1959, s. 2 (4). **Shaw v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 220; [1961] 2 W.L.R. 897.

Family allowance

Obtaining as on account of an allowance—Agreement to obtain allowance of book holder—Whether knowledge of person cashing voucher material—Whether proof of guilty knowledge question for jury—Family Allowances Act, 1945, ss. 4, 9 (*b*), 10—Family Allowances (Making of Claims and Payments) Regulations, 1946, regs. 8, 12.
Reg. v. Curr, C.A. [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595.

Indictment

Particulars—Voluntary bill of indictment—Whether prosecution bound to give particulars of overt acts—Whether judge's discretion to order further particulars should be exercised—Indictments Act, 1915, s. 3. **Reg. v. Churchill,** Thesiger J. [1965] 1 W.L.R. 1174.

"Rolled-up charge"—Undesirability.
Reg. v. Griffiths, C.C.A. [1966] 1 Q.B. 589; [1965] 3 W.L.R. 405.
Reg. v. McDonnell, Nield J. [1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138.

With three named persons and other persons unknown—Pleas of not guilty by two named persons accepted by prosecution—Acquittal of third named person—Whether remaining defendant can be convicted—Judge's direction—Whether sufficient.
Reg. v. Anthony, C.C.A. [1965] 2 Q.B. 189; [1965] 2 W.L.R. 748.

"With X and other persons unknown"—Acquittal of X—Whether other defendant can be convicted. **Reg. v. Gill,** C.C.A. [1963] 1 W.L.R. 841.

Public mischief

Conspiracy to commit common law cheat—Fraud on bookmaker—Whether necessary to prove public element—Whether fraud wagering—Gaming Act, 1845, s. 17.
Reg. v. Fountain (Note), Lawton J. [1966] 1 W.L.R. 212.

Sentence. *See* **Common law misdemeanour.**

Statutory offences

Indictment for conspiracy to commit—Causing drivers to keep false daily records—Encouraging drivers not to comply with statutory rest periods—Statutory offences triable summarily—Validity of indictment—Road and Rail Traffic Act, 1933, s. 16—Road Traffic Act, 1930, s. 19—Road Traffic Act, 1960, ss. 73, 186.
Reg. v. Blamires Transport Services Ltd., C.C.A. [1964] 1 Q.B. 278; [1963] 3 W.L.R. 496.

Contempt of court. *See* CONTEMPT OF COURT.

Contra bonos mores. (*See also* **Common law misdemeanour; Conspiracy.**)

"Immoral"

Soliciting "for immoral purposes"—Ordinary meaning—Conduct wrong in judgment of majority of citizens—Whether bearing ordinary meaning in statute relating to sexual offences—Man soliciting prostitutes for own purpose—Sexual Offences Act, 1956, s. 32.
Crook v. Edmondson, Divl.Ct. [1966] 2 Q.B. 81; [1966] 2 W.L.R. 672.

Corruption

Ingredients of offence

"In relation to his principal's affairs"—Company employee also trade union official—Employee when acting as union official convicted of corruptly obtaining money as inducement for doing an act—Whether employee's act in relation to company affairs—Prevention of Corruption Act, 1906, s. 1 (1).
Morgan v. Director of Public Prosecutions, D.C. [1970] 3 All E.R. 1053.

Public body

National Coal Board—Whether a "public body"—Prevention of Corruption Act, 1906, s. 1—Prevention of Corruption Act, 1916, s. 4 (2).
Reg. v. Newbould, Winn J. [1962] 2 Q.B. 102; [1962] 2 W.L.R. 648.

CRIME—*continued.*

Costs. (*See also* COSTS (**Justices**); PRIVY COUNCIL.)

Acquittal

Award of costs to acquitted person—No discretion to limit—" Expenses properly incurred " —Costs in Criminal Cases Act, 1952, s. 1.
Practice Direction (Crime: Costs) C.A. [1968] 1 W.L.R. 389.

Whether award of costs conclusive of damages suffered—Malicious prosecution—Principles of judicial discretion. **Berry v. British Transport Commission,** C.A. [1962] 1 Q.B. 306; [1961] 3 W.L.R. 450.

" Joint and several " order

Propriety—Costs in Criminal Cases Act, 1952, s. 2 (1).
Reg. v. Simmonds, C.A. [1969] 1 Q.B. 685; [1967] 3 W.L.R. 367.

Quarter sessions

Appeal against sentence—Sentence reduced—Costs against the police—Whether power to make such order—Summary Jurisdiction (Appeals) Act, 1933, s. 1.
David v. Comr. of Metropolitan Police, Divl.Ct. [1962] 2 Q.B. 135; [1962] 2 W.L.R. 682.

Court of Appeal

Abandonment of appeal to

Grounds on which court will entertain application to withdraw notice of abandonment—Criminal Appeal Rules, 1908, r. 23 (as amended by Criminal Appeal Rules, 1960, r. 4).
Reg. v. Sutton (Philip), C.A. [1969] 1 W.L.R. 375.

Applications for leave to appeal to

Legal advice available and to be sought—Grounds to be substantial and particularised—In applications without merit loss of time to be ordered.
Practice Note (Crime: Applications for Leave to Appeal), C.A. [1970] 1 W.L.R. 663.

Evidence

Witnesses proffering evidence of judge's discourteous conduct during trial—Whether such evidence admissible of matters not on transcript—Criminal Appeal Act, 1968, s. 23.
Reg. v. Hircock, C.A. [1970] 1 Q.B. 67; [1969] 2 W.L.R. 29.

Finding of disability on question of fitness to be tried

Question determined before arraignment—Exercise of discretion vitiated—Whether wrong decision of question of law—Whether miscarriage of justice.
Reg. v. Webb, C.A. [1969] 2 Q.B. 278; [1969] 2 W.L.R. 1088.

Fitness to be tried

Finding of disability—Factors for consideration—Question determined before arraignment although prosecution offering no evidence—Whether wrong decision on question of law—Whether jury's finding to be quashed.
Reg. v. Burles, C.A. [1970] 2 Q.B. 191; [1970] 2 W.L.R. 597.

Fresh evidence

Act of 1968—Evidence of scientific or medical opinion—Whether admissible—Reasonable explanation for failure to adduce at trial—Whether explanation possible only in exceptional cases—Substitution of verdict—Criminal Appeal Act, 1968, ss. 3, 23 (1) (2) (*b*).
Reg. v. Lomas, C.A. [1969] 1 W.L.R. 306.

——————Matters arising subsequent to trial—Confession by co-defendant after conviction—Genuine evidence given to court—Conviction quashed—Criminal Appeal Act, 1968, s. 23 (2) (*b*). **Reg. v. Ditch,** C.A. (1969) 53 Cr.App.R. 627.

Evidence " likely to be credible "—When court will admit—Criminal Appeal Act, 1966, s. 5. **Reg. v. Stafford; Reg. v. Luvaglio (Note),** C.A. [1968] 3 All E.R. 752; 53 Cr. App.R. 1.

Murder—Bloodstains on defendant's suit—Crown expert's evidence at trial—Alternative explanation given on appeal—Defendant's expert heard—New trial ordered—Criminal Appeal Act, 1968, ss. 7 (1), 23 (1) (*c*). **Reg. v. Merry,** C.A. (1970) 54 Cr.App.R. 274.

Hospital order

Restriction order—Function of court on appeal—Whether confined to time when order made—Whether review of subsequent progress for Secretary of State—Whether choice of special hospital for Secretary of State—Mental Health Act, 1959, ss. 60, 65, 66.
Reg. v. McNaney, C.A. [1969] 1 W.L.R. 623.

Jurisdiction

Application for leave to appeal dismissed on merits—Whether jurisdiction to hear second application—Fresh evidence—Reference by Secretary of State.
Reg. v. Grantham, Ct.-M.A.C. [1969] 2 Q.B. 574; [1969] 2 W.L.R. 1083.

Bail—Failure to surrender—Order to estreat bail with imprisonment in default—Whether " sentence on . . . passed . . . for the offence "—Whether jurisdiction to hear appeal —Criminal Appeal Act, 1968, ss. 9, 50 (1).
Reg. v. Thayne, C.A. [1970] 1 Q.B. 141; [1969] 3 W.L.R. 480.

CRIME—*continued.*

Court of Appeal—*continued.*

Jurisdiction—continued.

Interlocutory appeal—Count in indictment unintelligible—Request for further and better particulars refused—Application to trial judge rejected—Motion to Court of Appeal—Whether statutory or inherent jurisdiction to hear motion—Criminal Appeal Act, 1907, s. 9—Criminal Appeal Act, 1966, s. 1.
Reg. v. Collins, C.A. [1970] 1 Q.B. 710; [1970] 2 W.L.R. 68.

Parties—Sentence of imprisonment and order for costs—Death of appellant after application for leave to appeal—Widow and executrix seeking to continue applications—Whether legal interest—Executrix not entitled to proceed with appeal—Criminal Appeal Act, 1907, s. 3—Criminal Appeal Act, 1966, ss. 1 (1), 2 (*b*)—Criminal Appeal Act, 1968, s. 17. **Reg. v. Jefferies,** C.A. [1969] 1 Q.B. 120; [1968] 3 W.L.R. 830.

Sentence—Committal to quarter sessions for sentence—Order returning offender to borstal—Whether right to appeal against sentence—Criminal Appeal Act, 1968, s. 10 (2) (3).
Reg. v. Bebbington, C.A. [1969] 1 W.L.R. 1348.

Summary trial—Hybrid offence—Committal to quarter sessions for sentence a nullity—No jurisdiction in Court of Appeal to entertain appeal against sentence—Proper procedure—Magistrates' Courts Act, 1952, ss. 18 (1), 29.
Reg. v. Jones (Gwyn), C.A. [1969] 2 Q.B. 33; [1969] 2 W.L.R. 105.

"Material irregularity in course of trial"

Jury in retirement inspecting car identified in indictment and at trial—Whether irregularity—Defence wishing and consenting to inspection—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1) (as amended by Criminal Appeal Act, 1966, s. 4 (1)).
Reg. v. Nixon, C.A. [1968] 1 W.L.R. 577.

Proviso to section 2 (1) of Act

Irregularity in course of trial—Unrepresented defendant calling no evidence—Prosecution's closing speech to jury—Whether irregularity such that proviso should not be applied—Criminal Appeal Act, 1968, s. 2 (1) proviso. **Reg. v. Pink,** C.A. [1970] 3 W.L.R. 903.

Proviso to section 4 (1) of Act

Evidence of confession. **Reg. v. Richards,** C.A. [1967] 1 W.L.R. 653.

Material irregularity at invitation of defence.
Reg. v. Nixon, C.A. [1968] 1 W.L.R. 577.

Murder—Principles of application—Military law—Courts-Martial (Appeals) Act, 1968.
Reg. v. Cooper (Anthony), Ct.-M.A.C. [1969] 1 W.L.R. 977.

Reference by Secretary of State

Power to refer "whole case"—Whether including power to refer part of the case—Case referred on sentence alone—Whether court prepared to hear argument on conviction—Criminal Appeal Act, 1968, s. 17 (1) (*a*).
Reg. v. Bardoe, C.A. [1969] 1 W.L.R. 398.

Sentence, appeal against

Activation of suspended sentence—Court's discretion to interfere.
Reg. v. Moylan, C.A. [1970] 1 Q.B. 143; [1969] 3 W.L.R. 814.

Application for leave to appeal from—Information required by Court of Appeal.
Reg. v. Harris (Trevor) (Practice Note), C.A. [1969] 1 W.L.R. 1302.

Sentence of Borstal training—Reports required by court.
Reg. v. Weekes (Ricardo) (Practice Note), C.A. [1969] 1 W.L.R. 403.

Substitution of sentence

Part indictment standing after successful appeal—Increasing sentence on standing count—Criminal Appeal Act, 1907, s. 5 (1)—Criminal Appeal Act, 1966, s. 4 (2).
Reg. v. Craig (Practice Note), C.A. [1967] 1 W.L.R. 645.

Suspension of consecutive terms of six months obligatory—Whether court empowered to substitute concurrent sentences of 12 months' imprisonment—Criminal Appeal Act, 1968, s. 11 (3). **Reg. v. March,** C.A. [1970] 1 W.L.R. 998.

Verdict of jury

Court to allow appeal if they think "verdict unsafe"—"Unsafe"—Whether court charged to allow appeal—Question for court—Whether subjective—Reaction—Whether to be based strictly on evidence—Whether able to be produced by general feel of case as experienced by court—Difficult identity case—Criminal Appeal Act, 1968, s. 2 (1) (*a*).
Reg. v. Cooper (Sean), C.A. [1969] 1 Q.B. 267; [1968] 3 W.L.R. 1225.

Court of Criminal Appeal

Abandonment of appeal to

Appeal opened—Appeal against conviction and sentence—Notice of abandonment of appeal against sentence—Notice filed after submissions made on main grounds of appeal against sentence—Whether a right to abandon appeal—Whether leave of court required—Whether appeals against conviction and sentence a single or separate appeal—Duty of court to consider all grounds the subject of leave to appeal—Criminal Appeal Rules, 1908, r. 23. **Reg. v. De Courcy,** C.C.A. [1964] 1 W.L.R. 1245.

CRIME—*continued.*

Court of Criminal Appeal—*continued.*

Acquittal, by

Effect—Murder conviction quashed on ground of misdirection to jury on one issue—Whether tantamount to finding of fact on that issue—Trial on further indictment for robbery raising same issue—Whether barred—Criminal Appeal Act, 1907, s. 4.
Reg. v. Connelly, C.C.A. [1964] A.C. 1254; [1963] 3 W.L.R. 839.
Connelly v. Director of Public Prosecutions, H.L.(E.) [1964] A.C. 1254; [1964] 2 W.L.R. 1145.

Appellant escaping from custody

Not present when appeal called on—Practice of court.
Reg. v. Flower, C.C.A. [1966] 1 Q.B. 146; [1965] 3 W.L.R. 1202.

Application for leave to appeal from

Legal aid—Certificate that point of general public importance—Leave to appeal refused—Application for legal aid to apply to House of Lords for leave—No power to grant legal aid—Administration of Justice Act, 1960, s. 1 (2).
Reg. v. Males (No. 2) (Practice Note), C.C.A. [1962] 1 W.L.R. 150.

Practice—Legal aid and leave to be present—Administration of Justice Act, 1960, s. 1.
Reg. v. Daines, C.C.A. [1961] 1 W.L.R. 52.

Application for leave to appeal to

Appeal against conviction—Point of law—Mixed grounds of appeal—Matter listed as application—Where point of law established hearing adjourned to be listed as appeal—Criminal Appeal Act, 1907, s. 3. *Ex parte* **Hinds,** Divl.Ct. [1961] 1 W.L.R. 325.

Murder—Non-capital—Counsel—Full transcript—Whether to be listed as appeal or application. **Reg. v. Xanthou,** C.C.A. [1962] 1 W.L.R. 608.

Notice of appeal—Grounds—No necessity to set out in full initially.
Practice Note (Grounds of Appeal), C.C.A. [1962] 1 W.L.R. 312.

Sentence—Point of law—Whether determinable by court without reference—Whether power in registrar to refer—Criminal Appeal Act, 1907, s. 15 (2).
Reg. v. Rear, C.C.A. [1965] 2 Q.B. 290; [1965] 2 W.L.R. 943.

Certificate of point of law of public importance

Propriety of stating what point is.
Jones v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Fresh evidence

Act of 1964—Nature of evidence to be allowed—Evidence which applicant could have given at trial—Admissibility—Consideration of case on merits—Whether proposed evidence relevant and credible. **Reg. v. Kelly,** Ct.-M.A.C. [1965] 1 W.L.R. 730.

Co-defendant—Plea of guilty to four counts by co-defendant—Prosecution's election not to proceed on fifth count against co-defendant—Co-defendant not willing to testify at trial—Whether a competent and compellable witness—Whether evidence of co-defendant available at trial—Evidence of wife of accused—Criminal Evidence Act, 1898, s. 1.
Reg. v. Boal, C.C.A. [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593.

Discretion to admit—Principles on which discretion exercised—Effect to be given to fresh evidence—Issue of identification on assault charge—Relevance of complainant's convictions for dishonesty—Evidence of person near scene of assault—Criminal Appeal Act, 1907, s. 9. **Reg. v. Parks,** C.C.A. [1961] 1 W.L.R. 1484.

Insanity, verdict of

Whether appeal lies—Verdict of "guilty of manslaughter but insane"—Alleged misdirection relating to commission of act charged—Criminal Appeal Act, 1907, s. 3.
Reg. v. Duke, C.C.A. [1963] 1 Q.B. 120; [1961] 3 W.L.R. 1194.

Jurisdiction

Deportation order—Order made by quarter sessions on committal for sentence—Right of appeal from quarter sessions only where right of appeal against "sentence"—Commonwealth Immigrants Act, 1962, s. 8 (4).
Reg. v. Lynch, C.C.A. [1966] 1 W.L.R. 92.

————————"Order made on conviction"—Criminal Appeal Act, 1907, s. 21—Commonwealth Immigrants Act, 1962, s. 8 (4).
Reg. v. Assa Singh, C.C.A. [1965] 2 Q.B. 312; [1965] 2 W.L.R. 774.

Indictment lying on file—No proceedings without leave of court—Application by defendant for indictment to be proceeded with—Whether jurisdiction in court to grant application.
Reg. v. Thatcher (Practice Note), C.A. [1967] 1 W.L.R. 1278.

Sentence—Committal to quarter sessions for sentence—Sentence of detention in detention centre—Whether right of appeal—Criminal Justice Act, 1967, s. 97.
Reg. v. Moore (Brian), C.A. [1968] 1 W.L.R. 397.

Legal aid. See Application for leave.

CRIME—*continued.*

Court of Criminal Appeal—*continued.*

New trial

Desirability of having jurisdiction to order.
Attorney-General for Northern Ireland v. Gallagher, H.L.(N.I.) [1963] A.C. 349; [1961] 3 W.L.R. 619.

Nature of fresh evidence required — Assessment of reliability — Disposal of appeal — Principles—Evidence of witness on appeal differing from evidence of same witness in court below—Whether interests of justice require new trial—Criminal Appeal Act, 1964, s. 14. **Reg. v. Flower,** C.C.A. [1966] 1 Q.B. 146; [1965] 3 W.L.R. 1202.

Privileges afforded to appellant

Appeal opened—Control of movements of appellant vested in Court of Criminal Appeal—Applications for privileges to be made to court—Limits of privileges to be strictly enforced—Duty of legal advisers—Duty of Home Office officials.
Reg. v. De Courcy (Practice Note), C.C.A. [1964] 1 W.L.R. 1250.

Production, order for

Tape recording—Not in possession of prosecution—"Thing . . . connected with the proceedings"—Order for production—Criminal Appeal Act, 1907, s. 9—Criminal Appeal Rules, 1908, r. 32 (*b*) (*c*).
Reg. v. Gordon (Practice Note), C.C.A. [1963] 1 W.L.R. 810.

——————Order for delivery—Criminal Appeal Act, 1907—Criminal Appeal Rules, 1908, r. 32. **Reg. v. Gordon (No. 2) (Practice Note),** C.C.A. [1963] 1 W.L.R. 946.

Proviso to section 4 (1) of Act

Defective indictment—Particulars defective—No embarrassment or prejudice to the defence—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1) proviso.
Reg. v. Yule, C.C.A. [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285.

Evidence of witness wrongly excluded—One of seven called in support of defendant's story—Other six disbelieved—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1) proviso. **Reg. v. Clark,** C.C.A. [1962] 1 W.L.R. 180.

Principle of application—Where reasonable jury must without doubt have convicted in any event—Whether too strict a test.
Myers v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1965] A.C. 1001; [1964] 3 W.L.R. 145.

Question by jury—Relevant to show view taken by jury.
Reg. v. Masters, C.C.A. [1965] 1 Q.B. 517; [1964] 3 W.L.R. 288.

Retrial after jury's disagreement—Misdirection—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1). **Reg. v. Johnson,** C.C.A. [1961] 1 W.L.R. 1478.

Sexual case—No direction on corroboration—Sole issue identity—Evidence capable of amounting to corroboration—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1). **Reg. v. Trigg,** C.C.A. [1963] 1 W.L.R. 305.

Verdict of guilty inevitable on the facts—Misdirection.
Reg. v. Church, C.C.A. [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220.

Sentence, appeal against

Bail for long period pending appeal—Whether material.
Reg. v. Cavendish, C.C.A. [1961] 1 W.L.R. 1083.

Substitution of sentence

Conviction on three counts—Sentence passed on one only—Conviction on that count quashed on appeal—Power of appellate court to impose sentence on the other counts—Criminal Appeal Act, 1907, s 5 (1)—Court of Criminal Appeal Ordinance (Ceylon), No. 23 of 1938, s. 6 (1).
Reg. v. Edirimanasingham, P.C. [1961] A.C. 454; [1961] 2 W.L.R. 156.

Jurisdiction—Whether disqualification a "sentence"—Criminal Appeal Act, 1907, s. 21.
Reg. v. McNulty, C.C.A. [1965] 1 Q.B. 432; [1964] 3 W.L.R. 1168.

Substitution of verdict

Alternative counts—Conviction of receiving—Facts satisfying jurors of guilt of receiving property stolen abroad—Jury discharged from giving verdict on alternative count—Appeal—Substitution of verdict—Variation of sentence—Criminal Appeal Act, 1907, s. 5 (2). **Reg. v. Smith,** C.C.A. [1962] 2 Q.B. 317; [1962] 2 W.L.R. 1145.

Conviction of robbery—Whether verdict of simple larceny can be substituted.
Reg. v. Desmond; Reg. v. Hall, C.C.A. [1965] A.C. 960; [1964] 3 W.L.R. 1148.

Larceny or false pretences—Representations by woman that she was willing to prostitute her body—Advance payments made—Services not rendered—Whether larceny by trick—No direction as to false pretences—Facts satisfying jury that false pretences made—Power of Court of Criminal Appeal to substitute verdict of false pretences—Criminal Appeal Act, 1907, s. 5 (2)—Larceny Act, 1916, ss. 2, 32, 44 (3) (4).
Reg. v. Caslin, C.C.A. [1961] 1 W.L.R. 59.

CRIME—*continued.*

Court-martial. *See* MILITARY LAW.

Criminal appeal

Proviso to section 4 (1)

Principle of application—Singapore. **Chung Kum Moey v. Public Prosecutor for Singapore,** P.C. [1967] 2 A.C. 173; [1967] 2 W.L.R. 657.

Criminal Injuries Compensation Board

Assessment of compensation

Scheme—Duty to assess on principles of common law damages—Deductions to be made of sums for public funds accruing as result of injury or death—Police pension payable to widow of police officer—Whether deductible—Procedure—Hearing by three members after decision by single member—Whether an appeal or renewal of application. **Reg. v. Criminal Injuries Compensation Board,** *Ex parte* **Lain,** Divl.Ct. [1967] 2 Q.B. 864; [1967] 3 W.L.R. 348.

Customs and excise. *See* REVENUE (**Customs and excise**).

Diplomatic immunity. *See* CONFLICT OF LAWS (**Sovereign immunity**).

Disorderly house, keeping. *See* **Common law misdemeanour.**

Drugs. (*See also* **Sentence.**)

Importation

Prohibited drug—" Knowingly concerned in . . . fraudulent evasion of . . . prohibition "—Seaman allowing others to conceal packages in his cabin—Whether guilt established by knowledge of prohibition—Whether necessity for defendant to know precise contents of packages—Customs and Excise Act, 1952, s. 304. **Reg. v. Hussain,** C.A. [1969] 2 Q.B. 567; [1969] 3 W.L.R. 134.

Occupier of premises

Premises used for smoking cannabis—Parents away from home leaving their daughters in premises—Whether daughters " the occupier "—Whether daughters permitted cannabis smoking—Dangerous Drugs Act, 1965, s. 5. **Reg. v. Mogford,** Nield J. [1970] 1 W.L.R. 988.

" *Supply, procuring and advertising* "

Administration of drug—Addict injecting heroin into other person—Allegation that the heroin belonged to other person—Whether mere administration " supply "—Dangerous Drugs (No. 2) Regulations, 1964, reg. 8 (1)—Dangerous Drugs Act, 1965, s. 13 (*a*). **Reg. v. Harris (Janet),** C.A. [1968] 1 W.L.R. 769.

Unauthorised possession of

Drug found in defendant's urine—Whether capable of being in defendant's possession—Drugs (Prevention of Misuse) Act, 1964, s. 1 (1). **Hambleton v. Callinan,** D.C. [1968] 2 Q.B. 427; [1968] 3 W.L.R. 235.

Meaning—Defendant in possession of box which he knew to contain something—Whether defence that he did not know it contained drugs—Drugs (Prevention of Misuse) Act, 1964, s. 1 (1). **Reg. v. Warner,** C.A. [1967] 1 W.L.R. 1209. H.L.(E.) [1969] 2 A.C. 256; [1968] 2 W.L.R. 1303.

————Necessary mental element—" Possession "—Dangerous Drugs Act, 1965, s. 13—Dangerous Drugs (No. 2) Regulations, 1964, reg. 3. **Reg. v. Hussain,** C.A. [1969] 2 Q.B. 567; [1969] 3 W.L.R. 134.

Quantity—" A few droplets " of heroin—Invisible to naked eye—Incapable of being measured or poured out—Whether sufficient for conviction. **Reg. v. Worsell (Note),** C.A. [1970] 1 W.L.R. 111.

————Scrapings of cannabis from pockets—Small quantities capable of being weighed and measured—Whether sufficient for conviction. **Reg. v. Graham (Note),** C.A. [1970] 1 W.L.R. 113.

————" Traces " of cannabis — No evidence of meaning of " traces " — Whether sufficient for conviction. **Reg. v. Frederick,** C.A. [1970] 1 W.L.R. 107.

Whether for prosecution to show possession unlawful—Whether burden of proof of statutory defence on defendant—Drugs (Prevention of Misuse) Act, 1964, s. 1 (1) (*a*). **Reg. v. Ewens,** C.C.A. [1967] 1 Q.B. 322; [1966] 2 W.L.R. 1372.

Drunk and disorderly

Offences under Act of 1872

Whether repealed on October 1, 1967—Licensing Act, 1872, s. 12—Criminal Justice Act, 1967, ss. 91 (1) (5), 103 (2), Sch. 7—Criminal Justice Act, 1967 (Commencement No. 1) Order 1967, Sch. 1, para. 1, App. **Osgerby v. Rushton,** D.C. [1968] 2 Q.B. 466; [1968] 3 W.L.R. 438.

CRIME—*continued.*

Drunkenness as defence

Insanity

Explosive outbursts of psychopath after imbibing liquor—Wife killed by him—Trial for murder—Direction to apply M'Naughten test to moment before consumption of alcohol—Whether misdirection. **Attorney-General for Northern Ireland v. Gallagher,** H.L.(N.I.) [1963] A.C. 349; [1961] 3 W.L.R. 619.

Necessary intent

"Causing grievous bodily harm from which death shall ensue"—Intent to cause bodily harm—Burden of proof—Malta.
Broadhurst v. The Queen, P.C. [1964] A.C. 441; [1964] 2 W.L.R. 38.

Duress

Burden of proof

Larceny—Whether for defence to establish duress—Whether ultimate burden on prosecution to destroy defence. **Reg. v. Gill,** C.C.A. [1963] 1 W.L.R. 841.

Summing-up—Necessity for specific as well as general direction.
Reg. v. Bone, C.A. [1968] 1 W.L.R. 983.

Embezzlement

Indictment

Count alleging embezzlement of money on a day within a specified period—Larceny—Alternative verdict allowed—Larceny Act, 1916, s. 44 (2).
Reg. v. O'Driscoll, C.A. [1968] 1 Q.B. 839; [1967] 3 W.L.R. 1143.

Encamping on highway

"*Gipsy*"

Meaning—Status—Applicability of doctrine of issue estoppel.
Mills v. Cooper, Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

Evidence

Accomplice

Admitted breaking and entering—Defence of duress—Whether corroboration necessary.
Reg. v. Bone, C.A. [1968] 1 W.L.R. 983.

Compellable witness, whether competent—Co-defendant—Plea of guilty by co-defendant to four counts—Fifth count not proceeded with against co-defendant—Kept in custody for sentence until end of trial—Wife of defendant charged on different indictment—Whether competent and compellable witnesses—"So charged"—Criminal Evidence Act, 1898, s. 1. **Reg. v. Boal,** C.C.A. [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593.

Corroboration—Evidence capable of amounting to corroboration—Judge's duty to indicate it to jury. **Reg. v. Goddard,** C.C.A. [1962] 1 W.L.R. 1282.

————Evidence of co-defendant against defendant—Whether co-defendant to be treated as accomplice—Whether rule of law for judge to warn jury against uncorroborated evidence. **Reg. v. Stannard,** C.C.A. [1965] 2 Q.B. 1; [1964] 2 W.L.R. 461.

————Evidence of wife of one co-defendant—Warning that should be regarded with greatest care—Whether wife's evidence capable of amounting to corroboration of her husband's evidence.
Reg. v. Allen, C.C.A. [1965] 2 Q.B. 295; [1964] 3 W.L.R. 1173.

————Using an instrument with intent to procure a miscarriage—Direction to jury regarding evidence of accomplice—Whether sufficient to tell jury to view evidence of accomplice with "particular care."
Reg. v. Price (Herbert), C.A. [1969] 1 Q.B. 541; [1968] 2 W.L.R. 1397.

Police officer acting to enable offence to be committed—Whether accomplice—Whether corroboration required. **Sneddon v. Stevenson,** Divl.Ct. [1967] 1 W.L.R. 1051.

Alibi

Notice of particulars—Charge of living on earnings of prostitution between certain dates—Prosecution evidence relating to one incident among many—Defence evidence sought to be adduced that defendant elsewhere on that occasion—No notice of particulars given—Whether "evidence in support of an alibi"—Whether properly excluded—Sexual Offences Act, 1956, s. 30—Criminal Justice Act, 1967, s. 11 (1) (8).
Reg. v. Hassan, C.A. [1970] 1 Q.B. 423; [1970] 2 W.L.R. 82.

————Failure to provide within prescribed period—Particulars subsequently supplied—Adjournment of trial at prosecution's request to investigate particulars—Alibi evidence then excluded by court—Discretion of court—Criminal Justice Act, 1967, s. 11 (1). **Reg. v. Sullivan,** C.A. [1970] 3 W.L.R. 210.

————Whereabouts of defendant at time when offence alleged to have been committed—Whereabouts on another occasion in issue at trial—"Prescribed period" for giving notice—Question of place or date of commission of offence—Whether for resolution on material available to defendant at end of proceedings before examining justices—Whether notice necessary—Evidence of receiving directed to physical possession on a particular date—Evidence of assistance on different date—Whether supporting separate charge of receiving—Whether alibi evidence wrongly excluded—Whether conviction maintainable by application of proviso—Criminal Law Act, 1967, s. 4 (7)—Criminal Justice Act, 1967, s. 11 (1) (8)—Criminal Appeal Act, 1968, s. 2 (1) proviso.
Reg. v. Lewis (Albert Roy), C.A. [1969] 2 Q.B. 1; [1969] 2 W.L.R. 55.

CRIME—*continued.*

Evidence—*continued.*

Character

Accused, of—Previous good character—Whether going to credibility only—Direction to jury. **Reg. v. Bellis,** C.C.A. [1966] 1 W.L.R. 234.

Disapproval of violence not evidence of good character.
Malindi v. The Queen, P.C. [1967] 1 A.C. 439; [1966] 3 W.L.R. 913.

Evidence incriminating another person charged with same offence—Cross-examination as to criminal record—" Evidence against any other person "—Meaning of " against "—Evidence supporting prosecution case—Whether right of cross-examination on behalf of co-accused absolute—Criminal Evidence Act, 1898, s. 1 (*f*) (iii).
Murdoch v. Taylor, H.L.(E.) [1965] A.C. 574; [1965] 2 W.L.R. 425.

————————————————————

————————Whether rightly permitted — Subsequent change of plea by co-defendant—No application for new trial—Whether retrial should have been ordered—Criminal Evidence Act, 1898, s. 1 (*f*) (iii).
Reg. v. Ellis, C.C.A. [1961] 1 W.L.R. 1064.

————————————————————Possession of forged bank notes—Possession immediately successive—Whether " same offence "—Criminal Evidence Act, 1898, s. 1 (*f*) (iii). **Reg. v. Russell (George),** C.A. [1970] 3 W.L.R. 977.

Evidence incriminating co-accused charged with same offence—Cross-examination as to criminal record—Absolute right of cross-examination by co-accused—Whether new factor to be taken into consideration on application for separate trial—Discretion—Whether separate trial should have been ordered.
Reg. v. Hoggins, C.A. [1967] 1 W.L.R. 1223.

Evidence incriminating other persons charged with same offence—Cross-examination as to criminal record—Whether rightly permitted—Meaning of " given evidence against " —Whether to be treated as accomplice—Criminal Evidence Act, 1898, s. 1 (*f*) (iii).
Reg. v. Stannard, C.C.A. [1965] 2 Q.B. 1; [1964] 2 W.L.R. 461.

Nature of defence involving imputation against police officers—Evidence to disprove truth of offence—Alibi raised at late stage—Rebutting evidence—Whether admissible.
Reg. v. Milliken, C.A. (1969) 53 Cr.App.R. 330.

Nature of defence involving imputation against prosecutor—Accused charged with robbery—Alleged act of indecency by prosecutor—Prosecutor cross-examined as to alleged act—Accused's previous convictions admissible—Whether proper exercise of discretion to admit them in evidence—Criminal Evidence Act, 1898, s. 1 (*f*) (ii).
Reg. v. Flynn, C.C.A. [1963] 1 Q.B. 729; [1961] 3 W.L.R. 907.

————————————————————Discretion of judge to admit previous record—Whether discretion unfettered—Whether general rule limiting exercise against defence—Defendant's refusal to admit or deny previous record—Whether tantamount to admission—No warning to jury that record not formally proved—Effect—Criminal Evidence Act, 1898, s. 1 (*f*) (ii).
Reg. v. Selvey, C.A. [1968] 1 Q.B. 706; [1967] 3 W.L.R. 1637.
H.L.(E.) [1970] A.C. 304; [1968] 2 W.L.R. 1494.

Prejudicial evidence—Accused's knowledge of wording of caution—Address known to the police—Evidence excluded in interests of accused—Inadvertent disclosure in cross-examination—Request for new trial—Discretion—Whether retrial should have been ordered. **Reg. v. Weaver,** C.A. [1968] 1 Q.B. 353; [1967] 2 W.L.R. 1244.

————————Disclosure by witness that accused had been in prison — Judge's refusal to discharge jury—Whether proper exercise of discretion.
Reg. v. Palin, C.A. [1969] 1 W.L.R. 1544.

————————Reference by co-defendant to defendants' criminal records—Whether jury must be discharged—Discretion of judge.
Reg. v. Sutton (Patrick), C.A. (1969) 53 Cr.App.R. 504.

Previous convictions—Disclosure of previous conviction by defendant as part of his defence —Other previous convictions put to him in cross-examination—Whether permissible.
Reg. v. Thompson, C.C.A. [1966] 1 W.L.R. 405.

Prosecution witness—Medical evidence of general mental condition—Evidence tending to cast doubt on reliability of prosecution witness—Doctor's opinion as to whether witness normally prone to hysteria—Admissibility.
Reg. v. Toohey, C.C.A. [1964] 1 W.L.R. 1286.

CRIME—*continued.*

Evidence—*continued.*

Character—continued.

Prosecution witness—Witness for defence called to discredit prosecution witness—Attempt to qualify answer to question whether he would from her general reputation for veracity believe her on oath—Admissibility—Admissibility of further question whether from his personal knowledge he would believe the witness on oath—Evidence of accused's bad character admitted—Whether jury entitled to use that evidence in assessing credibility of accused. **Reg. v. Richardson,** C.A. [1969] 1 Q.B. 299; [1968] 3 W.L.R. 15.

Sexual offence—Man charged with offences against boys—Question, "Are you a homosexual?"—Answer, "I used to be"—Whether admissible in evidence—Whether relevant to rebut innocent association—Whether answer probative of guilt. **Reg. v. Horwood,** C.A. [1970] 1 Q.B. 133; [1969] 3 W.L.R. 964.

————Whether permissible in cross-examination. **Reg. v. King (Dennis Arthur),** C.A. [1967] 2 Q.B. 338; [1967] 2 W.L.R. 612.

Statements by defendant in issue—Witness stating defendant said, "I have been in prison"—Whether statement by witness properly admitted. **Reg. v. Malik,** C.A. [1968] 1 W.L.R. 353.

Whether including disposition or only reputation—Evidence of defendant—Cross-examination on character—Cross-examination of prosecution witnesses—Permissibility of all questions necessary for proper conduct of defence—Dicta of Lord Devlin—Criminal Evidence Act, 1898, s. 1. **Jones v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Child, by

Unsworn evidence of child of tender years—Whether capable of amounting to corroboration of sworn evidence of another child—Sexual offences against both children—Children and Young Persons Act, 1933, s. 38 (1). **Reg. v. E.,** Brabin J. [1964] 1 W.L.R. 671.

Confession

Admissibility—Conversation between co-defendants in police station cell—Police officer in adjoining cell purporting to be a prisoner—Note taken of conversation—Whether report of conversation admissible. **Reg. v. Stewart,** C.A. [1970] 1 W.L.R. 907.

————Defendant in custody in police station—Telephone conversation between defendant and wife—Police officer listening at switchboard—Whether evidence admissible. **Reg. v. Keeton,** C.A. (1970) 54 Cr.App.R. 267.

————Direction to jury—Admissibility a matter for judge—Jury only concerned with probative value or effect of evidence admitted—No direction to jury that they must be satisfied confession voluntary necessary. **Reg. v. Burgess,** C.A. [1968] 2 Q.B. 112; [1968] 2 W.L.R. 1209.

————————Defendant charged with purchase tax offences—Oral admission made by defendant to investigating officers of Customs and Excise during preliminary investigations—Whether voluntary or induced by hope of advantage—Judge's ruling as to admissibility—Direction to jury to disregard if not satisfied that admission made voluntarily—Improper direction. **Reg. v. Ovenell,** C.A. [1969] 1 Q.B. 17; [1968] 2 W.L.R. 1543.

————————Judge's ruling as to admissibility—Jury only concerned with probative value or effect of evidence so admitted—No necessity for separate direction to the jury that they must be satisfied as to voluntariness—Right of defence to cross-examine in presence of jury as to method of obtaining the confession. **Chan Wei Keung v. The Queen,** P.C. [1967] 2 A.C. 160; [1967] 2 W.L.R. 552.

Admission tending to establish guilt—Admissibility—Whether oral admissions made in consequence of a threat to prosecute for a statutory offence should be received in evidence—Judges' Rules—Common law principles as to admissibility of evidence—Threats extrinsic to the proceedings—Inadmissibility of confessions or statements tending to establish guilt if not made freely and voluntarily—Exercise of customs officers' powers to compel answers and production of documents—Finance Act, 1946, s. 20 (3)—Purchase Tax Act, 1963, s. 24 (6). **Reg. v. Harz; Reg. v. Power,** H.L.(E.) [1967] 1 A.C. 760; [1967] 2 W.L.R. 297.

Co-defendant, by—Statement by one defendant implicating other co-defendants—Prosecution's omission to prove statement—Statement not produced by maker—Maker cross-examined by co-defendant—Whether prosecution may cross-examine maker on contents of statement—Whether prosecution may reveal making of statement by cross-examination of maker or co-defendant. **Reg. v. Rice,** C.C.A. [1963] 1 Q.B. 857; [1963] 2 W.L.R. 585.

CRIME—*continued.*

Evidence—*continued.*

Confession—continued.

Confession or admission tending to establish guilt—Admissibility—Whether oral admissions made in consequence of a threat to prosecute for a statutory offence should be received in evidence — Judges' Rules — Common law principles as to admissibility of evidence—Threats extrinsic to the proceedings—Inadmissibility of confessions or statements tending to establish guilt if not made freely and voluntarily—Exercise of customs officers' powers to compel answers and production of documents—Finance Act, 1946, s. 20 (3)—Purchase Tax Act, 1963, s. 24 (6).
Reg. v. Harz; Reg. v. Power, C.C.A. [1967] 1 A.C. 760; [1966] 3 W.L.R. 1241.

Evidence of defendant's evidence at previous hearing—Statement by defendant on oath in court admitting and explaining possession on abortive trial for receiving—Retrial of defendant for same offence—Whether evidence of statement in abortive trial admissible on retrial—Defendant not giving evidence—Whether admission of statement unfair.
Reg. v. McGregor, C.A. [1968] 1 Q.B. 371; [1967] 3 W.L.R. 274.

Freedom to withhold not made clear to accused—Whether evidence to be disregarded—Rules excluding confession made on inducement or promise by person in authority—Whether applicable to material evidence having probative meaning—Blood specimen.
Reg. v. Sadler, C.A. [1970] 1 W.L.R. 416.

Inducement—Person in authority—Oral admissions made to householder seeking to recover stolen property—Admissibility—Whether voluntary—Criminal Appeal Act, 1907, s. 5 (2).
Reg. v. Wilson (David); Reg. v. Marshall-Graham, C.A. [1967] 2 Q.B. 406; [1967] 2 W.L.R. 1094.

————Question by accused whether if he made statement to police he would get bail—Police reply " Yes "—Whether inducement by person in authority.
Reg. v. Zaveckas, C.A. [1970] 1 W.L.R. 516.

Judges' Rules—Confession or admission tending to establish guilt—Oral admission made to investigating officers of Customs and Excise by person subsequently charged with purchase tax offences—No caution administered prior to admission—Whether admissible at trial—Whether judges' rules applicable—Whether applicable to persons other than police—Purchase Tax Act, 1963, s. 33 (2) (*a*)—1964 Judges' Rules, r. 11.
Reg. v. Ovenell, C.A. [1969] 1 Q.B. 17; [1968] 2 W.L.R. 1543.

————Defendant in custody questioned after caution — Confession of offences other than one charged—Refusal to make a statement—Transcription of admissions by concealed police officer—Admissibility—1930 Judges' Rules, r. 3—1964 Judges' Rules, r. I. **Reg. v. Buchan,** C.C.A. [1964] 1 W.L.R. 365.

————" Informed that he may be prosecuted "—" Charged with the offence "—Arrest on suspicion of having committed rape—Whether statement made thereafter inadmissible as contrary to Judges' Rules—1964 Judges' Rules, rr. 1. 3.
Reg. v. Brackenbury (Note), John Stephenson J. [1965] 1 W.L.R. 1475.

————————Meaning of—Arrest on suspicion of shopbreaking—Question by police relating to possession of housebreaking implements before charge preferred—Incriminating answers—Whether question and answers admissible in evidence—Whether contrary to Judges' Rules—1964 Judges' Rules, intro., para. (*d*), r. 3. **Reg. v. Collier; Reg. v. Stenning,** C.C.A. [1965] 1 W.L.R. 1470.

————New rules—Procedure.
Practice Note (Judges' Rules), C.C.A. [1964] 1 W.L.R. 152.

————Overhearing—Incriminating conversations between occupants of adjoining cells—Overheard by police officer—Caution previously administered—Whether breach of Judges' Rules. **Reg. v. Mills,** C.C.A. [1962] 1 W.L.R. 1152.

Statement in course of investigation—Voluntary admissions to police officer when in custody—Admissions made between interrogations—Whether made " during the course of investigation "—Whether admissible—Ceylon Code of Criminal Procedure (Legislative Enactments of Ceylon, 1938 Rev., c. 16), s. 122.
Thambiah v. The Queen, P.C. [1966] A.C. 37; [1966] 2 W.L.R. 81.

Statement leading to discovery of relevant fact — Finding of gun — Principle of admissibility. **Reg. v. Ramasamy,** P.C. [1965] A.C. 1; [1964] 3 W.L.R. 632.

Statement to friend—Accused put in friend's cell on police instructions—Whether confession inadmissible as statement to person in authority—Guyana.
Deokinanan v. The Queen, P.C. [1969] 1 A.C. 20; [1968] 3 W.L.R. 83.

Statements to police officers—Improper inducements—Inadmissible—No other evidence to support conviction.
Sparks v. The Queen, P.C. [1964] A.C. 964; [1964] 2 W.L.R. 566.

Voluntary nature of—Whether question for judge or jury—Inducement by person in authority—Police officer telling defendant that " better if you made statement "—Statement amounting to confession—Trial judge's ruling that for jury to decide whether voluntary—Whether admission of statement resulting in substantial miscarriage of justice. **Reg. v. Richards,** C.A. [1967] 1 W.L.R. 653.

CRIME—*continued.*

Evidence—*continued.*

Corroboration

Accomplice—Sexual offences in relation to boys—Man offering boys money and committing offence with each boy while other kept guard—Whether boys to be treated as accomplices—Whether incapable of corroborating each other.
Reg. v. King (Dennis Arthur), C.A. [1967] 2 Q.B. 338; [1967] 2 W.L.R. 612.

Incest—Indecent sexual practice by defendant with complainant—Whether admissible to corroborate incest. **Reg. v. Flack,** C.A. [1969] 1 W.L.R. 937.

Indecent assault—Distress shown by complainant—Whether capable of amounting to corroboration. **Reg. v. Knight,** C.C.A. [1966] 1 W.L.R. 230.

——————No corroboration—Seven counts in relation to four boys—Warning of danger of convicting without corroboration—Jury told no corroboration—Whether necessary to explain nature of corroboration.
Reg. v. Fisher, C.C.A. [1965] 1 W.L.R. 464.

No direction—Jury would have reached the same conclusion anyway—Sex offences.
Reg. v. Shillingford; Reg. v. Vanderwall, C.A. [1968] 1 W.L.R. 566.

No direction on corroboration—Rape—Sole issue identity—Evidence capable of amounting to corroboration—Whether absence of direction fatal to conviction—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4 (1) proviso.
Reg. v. Trigg, C.C.A. [1963] 1 W.L.R. 305.

Sexual offence—Direction to jury—Warning against convicting in absence of corroboration—Duty to use plain language. **Reg. v. Henry,** C.A. (1968) 53 Cr.App.R. 150.

Depositions

Conditional witness order—Notice requiring attendance given to court—Witness not found—Discretion of trial judge to admit statement—Criminal Justice Act, 1925, s. 13 (3) (as amended by Criminal Procedure (Attendance of Witnesses) Act, 1965, Sch. 1, Pt. I).
Reg. v. Dadlani, C.A. (1970) 54 Cr.App.R. 305.

Editing—Prejudicial evidence of character—Excluded from depositions—Preferable for depositions to be unedited—Proper course to be adopted.
Reg. v. Weaver, C.A. [1968] 1 Q.B. 353; [1967] 2 W.L.R. 1244.

Film

Admissibility—Prosecution arising out of theatrical performance in club—Whether subsequent film of a performance admissible in evidence.
Reg. v. Quinn, C.C.A. [1962] 2 Q.B. 245; [1961] 3 W.L.R. 611.

Fingerprints

No caution—Admissibility.
Callis v. Gunn, Divl.Ct. [1964] 1 Q.B. 495; [1963] 3 W.L.R. 931.

Further evidence

Magistrates' court—Retirement after close of case for defence—Further evidence adduced by prosecution—Whether properly admitted—Whether a discretion.
Webb v. Leadbetter, Divl.Ct. [1966] 1 W.L.R. 245.

Handwriting

No expert evidence—Disputed signature—Jury having copies of signatures—Jury warned of danger of making comparison—Whether jury left to make own comparison.
Reg. v. O'Sullivan, C.A. [1969] 1 W.L.R. 497.

No expert witness called—Comments on handwriting made during summing up—Issue of handwriting left to jury—Whether proper course.
Reg. v. Tilley, C.C.A. [1961] 1 W.L.R. 1309.
Reg. v. Harden, C.C.A. [1963] 1 Q.B. 8; [1962] 2 W.L.R. 553.

Hearsay

Admissible to show fact that statement was made—Charge of murder—Defence of alibi—Hearsay evidence not admissible to establish truth of the statement.
Mawaz Khan v. The Queen, P.C. [1967] 1 A.C. 454; [1966] 3 W.L.R. 1275.

Limit of exceptions to rule against hearsay evidence—Manufacturers' records—Stolen cars given registration and identification numbers of wrecked cars—Identification by owners of stolen cars—Car manufacturers' records produced by persons charged with keeping them—Records compiled by workmen—Whether admissible—Probative value.
Myers v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1965] A.C. 1001; [1964] 3 W.L.R. 145.

Statement of child to mother shortly after indecent assault—Child not a witness—Identification—Inadmissible—Not part of the res gestae.
Sparks v. The Queen, P.C. [1964] A.C. 964; [1964] 2 W.L.R. 566.

Husband or wife, of

Decree of judicial separation—Information by husband against wife—Whether husband competent witness against wife.
Moss v. Moss, Divl.Ct. [1963] 2 Q.B. 799; [1963] 3 W.L.R. 171.

CRIME—*continued.*

Evidence—*continued.*

Husband or wife, of—continued.

Husband charged with attempting to cause poison to be taken by wife with intent to murder her—Whether wife competent witness—Offences against the Person Act, 1861, s. 14—Criminal Evidence Act, 1898, s. 4 (1).
Reg. v. Yerolla, Melford Stevenson J. [1963] 1 Q.B. 285; [1962] 3 W.L.R. 132.

Identity

Assault occasioning grievous bodily harm on one person—Assault occasioning actual bodily harm on another—Evidence that assaults by same man—Whether sufficient evidence of identity—Acquittal on graver charges—Conviction on lesser charge—Whether verdicts inconsistent. **Reg. v. Hunt,** C.A. [1968] 2 Q.B. 433; [1968] 3 W.L.R. 231.

Evidence of articles found in possession of accused persons tending to connect with offence charged—Whether admissible. **Reg. v. Reading,** C.C.A. [1966] 1 W.L.R. 836.

Murder of young girl—Evidence of attempted abduction of another young girl—Evidence of circumstances relating to indecent assault on third young girl—Admissibility—Joint trial proper. **Reg. v. Morris (Raymond),** C.A. (1969) 54 Cr.App.R. 69.

Inducement

Accomplice—Statement implicating co-accused—Plea of guilty by accomplice—Sentence—Accomplice learning of judge's power to increase sentence—Whether inducement to give evidence — Whether judge should warn of inducement — Whether power to increase sentence to be exercised. **Reg. v. Stone,** C.A. [1970] 1 W.L.R. 1112.

Obscenity

Advertisement for prostitutes—Their evidence of meaning of words—Police evidence of their practices—Admissibility. **Shaw v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 220; [1961] 2 W.L.R. 897.

Picture-cards seen by children—Evidence of child psychiatrists as to effect of cards on children—Whether admissible.
Director of Public Prosecutions v. A. and B. C. Chewing Gum Ltd., Divl.Ct. [1968] 1 Q.B. 159; [1967] 3 W.L.R. 493.

Obstructing

Threats to prevent witness from giving evidence—Prospective witness—Confession by person to be charged—Plea of guilty expected, with consequence that witness may not be called—Whether offence committed in relation to prospective witness in such circumstances—Crime—Common law misdemeanour—Obstructing course of justice—No element of conspiracy—Whether a count for attempting to defeat the due course of justice charges an offence known to law.
Reg. v. Grimes, Liverpool Crown Ct. [1968] 3 All E.R. 179.

Witness for prosecution—Defendant conducting defence so as to involve imputation on character of prosecution witness—Warning of cross-examination of defendant as to his bad character if prosecution witness's character impugned—How warning should be given. **Reg. v. Weston-Super-Mare Justices,** *Ex parte* **Townsend,** D.C. [1968] 3 All E.R. 225.

Person charged, by

Question "tending to show" other offence—Question relevant to issue before jury—Whether prohibited—Meaning of "show"—Similar alibi given by defendant when charged previously with another offence—Revelation to jury by defendant that he had previously been "in trouble with police"—Whether questioning on previous alibi permissible—Criminal Evidence Act, 1898, s. 1 (*e*) (*f*).
Jones v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Previous proceedings

Acquittal on murder charge—Trial for robbery—Oral statements attributed to defendant admitted at first trial admissible at second—Whether fact of acquittal admissible in rebuttal—Acquittal by Court of Criminal Appeal.
Reg. v. Connelly, C.C.A. [1964] A.C. 1254; [1963] 3 W.L.R. 839.
Connelly v. Director of Public Prosecutions, H.L.(E.) [1964] A.C. 1254; [1964] 2 W.L.R. 1145.

Receiving. See **Receiving.**

Record

"Record relating to any trade or business"—Consignment note—Whether record or part of record—Whether compiler's knowledge to be reasonably supposed—Home Office supplies and transport branch—Whether carrying on any business—Criminal Evidence Act, 1965, s. 1 (1) (4). **Reg. v. Gwilliam,** C.A. [1968] 1 W.L.R. 1339.

Res gestae

Identification—Hearsay evidence—Inadmissible.
Sparks v. The Queen, P.C. [1964] A.C. 964; [1964] 2 W.L.R. 566.

CRIME—*continued.*

Evidence—*continued.*

Res gestae—continued.

Victim of homicide—Evidence of condition of victim not indicative of the cause of death —Whether admissible—Jersey. **Attorney-General, Jersey v. Norton,** Bailiff le Mesurier [1967] 1 A.C. 464; [1967] 2 W.L.R. 923.

System

Acquittal of previous charge—Larceny—Denial of intent to steal—Evidence negativing denial—Evidence adduced to prove guilt of previous charge as evidence of guilt on subsequent charge—Whether permissible. **G. (An Infant) v. Coltart,** Divl.Ct. [1967] 1 Q.B. 432; [1967] 2 W.L.R. 333.

Indecent assaults on children—Corroboration—Evidence of similar acts—Different form of indecency—Overwhelming prejudicial value of evidence—Exclusion of evidence desirable. **Reg. v. Doughty,** C.C.A. [1965] 1 W.L.R. 331.

Joinder of charges—Indecent assault, indecent exposure—Whether arising out of the same subject-matter—Prejudicial effect of evidence greater than probative value—Whether separate trials necessary. **Reg. v. Fitzpatrick,** C.C.A. [1963] 1 W.L.R. 7.

Must not be first raised on cross-examination of defendant. **Jones v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Sexual offence—Charge of offence against one person—Evidence of similar alleged offences against other persons—Whether admissible—Incest—Separate counts each count charging different incident with different sister—Whether evidence of offence against one sister evidence of offences against other sisters—Whether direction necessary that when each count considered evidence relating to other counts to be excluded. **Reg. v. Flack,** C.A. [1969] 1 W.L.R. 937.

Tape recorder

Conversation in Punjabi dialect secretly recorded by police—Amounting to confession of murder—Men subsequently charged—Whether tape recording, transcripts and translations admissible—Judge's discretion. **Reg. v. Maqsud Ali,** C.C.A. [1966] 1 Q.B. 688; [1965] 3 W.L.R. 229.

Machine used to record conversation heard by police officer—Notes made by him from recording—Whether police officer's evidence admissible. **Reg. v. Mills,** C.C.A. [1962] 1 W.L.R. 1152.

Wife, of

Wife awaiting trial on different indictment — Whether a competent witness — Criminal Evidence Act, 1898, s. 1. **Reg. v. Boal,** C.C.A. [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593.

" Written statement "

Statement by departmental official read at committal proceedings—Official conditionally bound over as witness—Admissibility of statement at trial—Criminal Justice Act, 1925, s. 13 (3)—Criminal Justice Act, 1967, s. 2 (1) (7). **Reg. v. Holt,** C.A. [1968] 1 W.L.R. 1942.

Factory. *See* FACTORY.

False pretences

Abroad, obtaining

Whether offence completed when cheque posted in Jersey. **Reg. v. Harden,** C.C.A. [1963] 1 Q.B. 8; [1962] 2 W.L.R. 553.

Causing person to sign a document

Witness to execution of bill of sale—Whether necessary that person deceived should incur liability through the deception—Larceny Act, 1916, s. 32 (2) (*b*). **Reg. v. Thornton,** C.C A. [1964] 2 Q.B. 176; [1963] 3 W.L.R. 444.

Family allowance

Book with signed vouchers held as security for loan and interest—Lender obtaining allowance from Post Office—Nature of representation—Whether allowance obtained " for use and benefit " of signatory—Larceny Act, 1916, s. 32 (1). **Reg. v. Curr,** C.A. [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595.

Indictment

Counts charging obtaining goods by false pretences and obtaining credit under false pretences—Both charges based on same facts—Whether conviction possible on both counts—Whether jury to be discharged from giving verdict on one count if convicting on other count—Undesirability of—Including both counts in indictment—Debtors Act, 1869, s. 13 (1)—Larceny Act, 1916, s. 32 (1). **Reg. v. Torr,** C.C.A. [1966] 1 W.L.R. 52.

CRIME—*continued.*

False pretences—*continued.*

Larceny or false pretences

Bailment — Wharfinger storing goods tricked into handing them over against forged delivery order—Authority of wharfinger—Whether goods obtained by larceny or false pretences from wharfinger—Whether receiver guilty of felony—Sale of Goods Act, 1893, s. 18, r. 5 (1)—Larceny Act, 1916, s. 33 (1).
Reg. v. Sutton, C.C.A. [1966] 1 W.L.R. 236.

Representations by woman that she was willing to prostitute her body—Advance payments made—Services not rendered—Whether larceny by trick—No direction as to false pretences—Facts satisfying jury that false pretences made—Power of Court of Criminal Appeal to substitute verdict of false pretences—Criminal Appeal Act, 1907, s. 5 (2)—Larceny Act, 1916, ss. 2, 32, 44 (3) (4). **Reg. v. Caslin,** C.C.A. [1961] 1 W.L.R. 59.

Firearm. (*See also* **Offensive weapon.**)

Possession of

Possession at time of apprehension for specified offence—Whether necessary to show accused committed offence—" Apprehension "—Meaning—Firearms Act, 1937, s. 23 (2).
Reg. v. Baker, C.C.A. [1962] 2 Q.B. 530; [1961] 3 W.L.R. 1205.

Possession by person subject to suspended sentence—Whether possession " before . . . expiration . . . of five years from . . . date of . . . release "—Whether offence committed —" Release "—Firearms Act, 1968, s. 21 (2).
Reg. v. Fordham, Mocatta J. [1970] 1 Q.B. 77; [1969] 3 W.L.R. 317.

Sale of

Youth under 17 without certificate selecting and paying for rifle—Control and possession kept by dealer—Whether a completed sale—Whether infringing prohibition on " to sell " —Firearms Act, 1937, ss. 11 (1), 19 (1).
Watts v. Seymour, Divl.Ct. [1967] 2 Q.B. 647; [1967] 2 W.L.R. 1072.

Use of

Using a firearm with intent to resist arrest—Serious offence—Appropriate sentence.
Reg. v. Driver, C.A. (1970) 54 Cr.App.R. 385.

Firearm or offensive weapon, possession of

Joint possession by several defendants

Conspiracy to rob—Common criminal purpose of conspiracy negatived by direction—Article not offensive per se—Nature of direction necessary on joint possession—Intent to injure—Whether intent to frighten adequate alternative—" Intended . . . for . . . use " for causing injury—Prevention of Crime Act, 1953, s. 1 (1) (4).
Reg. v. Edmonds, C.C.A. [1963] 2 Q.B. 142; [1963] 2 W.L.R. 715.

Possession by gang

Custodial sentences. **Reg. v. Tabi,** C.A. (1970) 54 Cr.App.R. 380.

Forcible entry and detainer

Force

Erection of barricades to prevent entry by owners of premises—No use of individual force—Whether intention to use force—Forcible Entry Act, 1429.
Reg. v. Robinson (Michael), C.A. [1970] 3 W.L.R. 1039.

Forgery

Fictitious name

Bank account opened in fictitious name—Cheques marked " account payee only " paid into account—Cheques drawn on that account and signed in fictitious name—Whether a forgery—Forgery Act, 1913, ss. 1 (2) (*b*), 2 (2).
Reg. v. Hassard, C.A. [1970] 1 W.L.R. 1109.

Intention

Intent to defraud—Forger of letter intending to deceive—Direction to jury equating intent to deceive with intent to defraud—Whether misdirection—Forgery Act, 1913, s. 4 (1).
Reg. v. Moon, C.A. [1967] 1 W.L.R. 1536.

Obtaining property by

Hire-purchase agreement form—Motor vehicle obtained by virtue of a forged instrument—". . . obtains . . . by virtue of any forged instrument "—Meaning—Elements of offence—Forgery Act, 1913, s. 7.
Reg. v. Hurford; Reg. v. Williams, C.C.A. [1963] 2 Q.B. 398; [1963] 2 W.L.R. 1038.

Possession of forged document

Banknotes—Lawful authority or excuse—Forged notes retained to surrender to police—Notes not handed to police at first available opportunity—Excuse consistent with common law duty—Whether " lawful . . . excuse "—Whether offence absolute—Whether purpose of retention question for jury—Forgery Act, 1913, s. 8 (1).
Reg. v. Wuyts, C.A. [1969] 2 Q.B. 474; [1969] 3 W.L.R. 1.

CRIME—*continued.*

Forgery—*continued.*

Uttering

Meaning—Forged receipt for cash payment—Photostatic copy of forgery made for purpose of defrauding creditor—Copy sent to creditor—Whether an uttering of original forged receipt—" Use " of forgery—Forgery Act, 1913, s. 6 (2).
Reg. v. Harris, C.C.A. [1966] 1 Q.B. 184; [1965] 3 W.L.R. 1040.

Fraud. (*See also* FRAUD; GAMING.)

Bankruptcy

Removal of property by bankrupt after presentation of petition—Whether fraudulent intent—Onus of proof—Whether onus shifts to defence—Bankruptcy Act, 1914, s. 154 (5). **Reg. v. Lusty,** C.C.A. [1964] 1 W.L.R. 606.

Company

Agreement by director and others—Use of company's assets for purposes other than those of company—Dishonest risk—Whether fraud—Whether deliberate dishonesty involved—Subjective test—Proper direction to jury. **Reg. v. Sinclair,** C.A. [1968] 1 W.L.R. 1246.

Fraudulent trading—Company not in course of winding up—Whether offence—Companies Act, 1948, s. 332 (3). **Reg. v. Rollafson,** C.A. [1969] 1 W.L.R. 815.
Reg. v. Schildkamp (Note), C.A. [1969] 1 W.L.R. 818.
Reg. v. Schildkamp, H.L.(E.) [1970] 2 W.L.R. 279.

Credit by, obtaining

Debt already incurred—Extension of existing credit—Whether sufficient to support the charge—Debtors Act, 1869, s. 13 (1).
Reg. v. Thornton, C.C.A. [1964] 2 Q.B. 176; [1963] 3 W.L.R. 444.

Hire-purchase agreement—Money passing under agreement—Whether " obtaining credit " —Debtors Act, 1869, s. 13 (1).
Reg. v. Inman, C.C.A. [1967] 1 Q.B. 140; [1966] 3 W.L.R. 567.

Undischarged bankrupt — Contracts to make paintings from photographs — Payments received in advance—Failure to carry out work—No intention to do work at time payments received—" Obtained credit "—" Credit "—" Obtained "—Debtors Act, 1869, s. 13 (1)—Bankruptcy Act, 1914, s. 155 (*a*).
Fisher v. Raven, C.C.A. and H.L.(E.) [1964] A.C. 210; [1963] 2 W.L.R. 1137.

Fraudulent conversion

Solicitor's costs included counsels' and shorthand writers' fees—Costs paid into solicitor's account pursuant to statutory authority—Whether solicitor could fraudulently convert fees—Solicitors Act, 1957, s. 66—Solicitors' Accounts Rules, 1945, r. 9.
Reg. v. Yule, C.C.A. [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285.

" Intent to defraud "

Forgery—Letter written with intent to deceive—Distinction existing between intent to defraud and intent to deceive—Forgery Act, 1913, s. 4 (1).
Reg. v. Moon, C.A. [1967] 1 W.L.R. 1536.

Investments

Inducing investment of money—Indictment setting out varieties of representations made—Whether bad for duplicity—Prevention of Fraud (Investments) Act, 1958, s. 13 (1).
Reg. v. Linnell, C.A. [1969] 1 W.L.R. 1514.

Operation of betting account for reward—Scheme for backing racehorses—Documents inviting members of public to place bets through firm—" Bank " put up by participator —Name of selected horse supplied by firm—One-tenth of total in bank staked daily—Individual account for each participator—Percentage of winnings taken by firm—Weekly charge for services, postage, etc.—Whether " participation . . . in profits " arising from management of " any property other than securities "—Prevention of Fraud (Investments) Act, 1958, ss. 13 (1) (*b*), 14 (1).
Hughes v. Trapnell, Divl.Ct. [1963] 1 Q.B. 737; [1962] 3 W.L.R. 1068.

" Reckless " making of statements or promises—Meaning of " reckless "—Prevention of Fraud (Investments) Act, 1958, s. 13 (1).
Reg. v. Grunwald, Paull J. [1963] 1 Q.B. 935; [1961] 2 W.L.R. 606.

Investments on deposit

Inducing investment—Invitation to deposit with society—Statement that depositors able to withdraw loan at any time and to borrow more than deposited—Whether " advertisement "—Whether inviting " loan . . . repayable at a premium "—" Premium "— " Deposit " — Whether document sent to member invitation to " public " — Secretary alter ego of society subject to statutory restriction on lending—Failure to disclose restriction—Whether dishonest concealment of material fact—Whether offence committed —Loan Societies Act, 1840, s. 13—Protection of Depositors Act, 1963, ss. 1 (1), 2 (1), 26 (1). **Reg. v. Delmayne,** C.A. [1970] 2 Q.B. 170; [1969] 3 W.L.R. 300.

Gaming. *See* GAMING.

CRIME—*continued.*

Gross indecency

Consent

"Party to the commission by a man of an act of gross indecency with another man"—Meaning of "with"—Commission of the act between two men—Third man charged with being a party to the commission of the act—Acquittal of one party to the act—Whether an act of gross indecency to which third man could be a party—Sexual Offences Act, 1956, s. 13.
Reg. v. Hall, C.C.A. [1964] 1 Q.B. 273; [1963] 3 W.L.R. 482.

Consent of D.P.P. to proceedings

Defendant charged with committing an act of gross indecency "towards" boy of 11—Meaning of "with or towards"—Whether one offence or two—Whether Director's consent necessary to institution of proceedings—Indecency with Children Act, 1960, s. 1 (1)—Sexual Offences Act, 1967, s. 8.
Director of Public Prosecutions v. Burgess, D.C. [1970] 3 W.L.R. 805.

Defendant charged with inciting boy under age of 14 to commit act of gross indecency —Whether directors' consent necessary to institution of proceedings—Indecency with Children Act, 1960, s. 1 (1)—Sexual Offences Act, 1967, s. 8.
Reg. v. Assistant Recorder of Kingston-upon-Hull, *Ex parte* **Morgan,** D.C. [1969] 2 Q.B. 58; [1969] 2 W.L.R. 246.

Whether necessary for court-martial—Men, one under 21.
Reg. v. Warn, Ct.-M.A.C. [1968] 1 Q.B. 718; [1968] 2 W.L.R. 131.
H.L.(E.) [1970] A.C. 394; [1968] 3 W.L.R. 609.

Homicide

Acquittal of murder charge

Disagreement of jury on manslaughter—Effect—Whether an acquittal—Whether proof of acquittal of manslaughter—Whether sufficient to found plea of autrefois acquit—Whether jury bound to return special verdict—Effect of partial verdict—Constitution of Jamaica, 1965, c. III, "Fundamental Rights and Freedoms," ss. 1 (1), 8, 13, 20, 20 (8), 25, 26 (8)—Jury Law, Laws of Jamaica, Rev. 1953, Vol. 4, c. 186, ss. 44, 45, p. 2796.
Director of Public Prosecutions v. Nasralla, P.C. [1967] 2 A.C. 238; [1967] 3 W.L.R. 13.

Attempt to murder. See **Attempt.**

Capital murder

Repeated murders in a house over a period of four hours—Whether subsequent murders done "on a different occasion"—"Occasion"—Homicide Act, 1957, s. 6.
Reg. v. King, McNair J. and C.C.A. [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980.

Common design to murder

Joint charges against two defendants of murder and robbery with violence—Violence used showing intention to inflict grievous bodily harm—Scope of common design not left to jury—No evidence of number involved or parts played by individuals—Whether common design to rob sufficient for murder conviction—Possible unauthorised act beyond scope of common design—Impossibility of substituting verdict of manslaughter—Criminal Appeal Act, 1968, s. 3.
Reg. v. Lovesey, C.A. [1970] 1 Q.B. 352; [1969] 3 W.L.R. 213.

Verdict of jury on basis of common design—Action in concert negatived by appeal court—Inability to know what verdict would have been if individual guilt considered—Conviction quashed—No case for new trial.
King v. The Queen, P.C. [1962] A.C. 199; [1962] 2 W.L.R. 301.

Dangerous driving, causing death by. See Road Traffic.

Diminished responsibility

Conflicting medical evidence—Differing views put to jury in summing-up—Whether a matter for jury. **Reg. v. Jennion,** C.C.A. [1962] 1 W.L.R. 317.

Direction to jury—Degree of "abnormality of mind" not to be assessed on basis of M'Naughten Rules—Insanity to be considered in broad popular sense—Intention not conclusive of abnormality of mind—Homicide Act, 1957, s. 2—Homicide (Special Defences) Act, 1959, s. 2 (Bahama Islands).
Rose v. The Queen, P.C. [1961] A.C. 496; [1961] 2 W.L.R. 506.

——————Duty of judge to explain diminished responsibility—Medical evidence —Transcript of medical evidence handed to jury—Whether adequate direction—Homicide Act, 1957, s. 2. **Reg. v. Terry,** C.C.A. [1961] 2 Q.B. 314; [1961] 2 W.L.R. 961.

Duty of prosecution to test medical evidence—Judge's comments on defendant's failure to give evidence—Whether justified—Homicide Act, 1957, s. 2 (1).
Reg. v. Bathurst, C.A. [1968] 2 Q.B. 99; [1968] 2 W.L.R. 1092.

CRIME—*continued.*

Homicide—*continued.*

Diminished responsibility—continued.

Duty of prosecution to test medical evidence—Unchallenged medical evidence that abnormality such as to impair mental responsibility—Cross-examination by prosecution only to eliminate insanity—Doctors questioned by judge—Medical diagnosis based on assumption of certain facts—No proof by defence of facts on which diagnosis based—Homicide Act, 1957, s. 2 (1). **Reg. v. Ahmed Din,** C.C.A. [1962] 1 W.L.R. 680.

Insanity—Whether prosecution entitled to call evidence of.
Reg. v. Morris, C.C.A. [1961] 2 Q.B. 237; [1961] 2 W.L.R. 986.

————Whether prosecution entitled to cross-examine, as to—Whether entitled to call evidence—Homicide Act, 1957, s. 2.
Reg. v. Russell, Marshall J. [1964] 2 Q.B. 596; [1964] 2 W.L.R. 551.

Irresistible impulse per se no defence to a charge of murder—Mental condition of defendant of a kind to be expected from his racial type—No abnormality.
Reg. v. King, McNair J. and C.C.A. [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980.

Summing-up—Evidence that impairment of mental responsibility more than minimal—Whether "substantially" impaired—Jury directed that substantially not total and not trivial or minimal—Whether misdirection—Homicide Act, 1957, s. 2 (1).
Reg. v. Lloyd, C.C.A. [1967] 1 Q.B. 175; [1966] 2 W.L.R. 13.

Drunkenness as defence. See **Drunkenness.**

Indictment

Capital murder—Count charging murder in the course or furtherance of theft—Intention to steal established—Whether jury entitled to convict on indictment—Whether separate count necessary—Homicide Act, 1957, s. 5 (3)—Indictments Act, 1915, Sch. 1, r. 4A, as added by Indictment Rules, 1957.
Reg. v. Masters, C.C.A. [1965] 1 Q.B. 517; [1964] 3 W.L.R. 288.

Joinder of charges—Prosecution's discretion to frame indictment—Judge's discretion to order separate trials.
Practice Direction (Homicide: Indictment), C.C.A. [1964] 1 W.L.R. 1244.

Intention to kill or cause grievous bodily harm

Erroneous belief that victim already dead—Assisting in disposal of body while still alive—Non-direction on possibility of lesser offence.
Shoukatallie v. The Queen, P.C. [1962] A.C. 81; [1961] 3 W.L.R. 1021.

————————————Manslaughter—No direction that defendant's conduct could be regarded as series of acts culminating in death—Whether a misdirection.
Reg. v. Church, C.C.A. [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220.

Non-direction on possibility of lesser offence—Evidence leading to inescapable conclusion that victim was murdered—No suggestion that lesser offence committed—Whether jury should be directed to consider possibility. **Rumping v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1964] A.C. 814; [1962] 3 W.L.R. 763.

Presumption of intention—Strangulation—Failure of defences of insanity and automatism—Intent not left to jury. **Bratty v. Attorney-General for Northern Ireland,** H.L.(N.I.) [1963] A.C. 386; [1961] 3 W.L.R. 965.

————————Test of "reasonable man"—Death in course of sexual embrace—Degree of force used—Not sufficient to support conviction of murder—Degree of force unlawful—Manslaughter—Penal Code (Kenya), ss. 5, 198, 199, 202.
Reg. v. Sharmpal Singh, P.C. [1962] A.C. 188; [1962] 2 W.L.R. 238.

Subjective test—Stupid and backward boy—Direction that test what ordinary person would foresee from act—Whether misdirection—Criminal Justice Act, 1967, s. 8.
Reg. v. Wallett, C.A. [1968] 2 Q.B. 367; [1968] 2 W.L.R. 1199.

Killing in course of other offence

Evidence—Accomplice—Corroboration—Evidence of wife of one co-defendant—Warning that should be regarded with greatest care—Whether wife's evidence capable of amounting to corroboration of her husband as against other co-defendant.
Reg. v. Allen, C.C.A. [1965] 2 Q.B. 295; [1964] 3 W.L.R. 1173.

"In the course or furtherance of theft"—Theft in the course of murder—Distinction—Homicide Act, 1957, s. 5 (1) (*a*).
Reg. v. King, McNair J. and C.C.A. [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980.

Theft—Intention to steal—No asportation—Jury's question as to meaning of "theft"—Insufficient direction by judge—Intention to steal established by evidence—Whether sufficient to constitute capital murder—Homicide Act, 1957, s. 5 (1) (*a*) (3) (5) (*e*).
Reg. v. Masters, C.C.A. [1965] 1 Q.B. 517; [1964] 3 W.L.R. 288.

CRIME—*continued.*

Homicide—*continued.*

Manslaughter

Accessory—Involuntary manslaughter—Accessory before fact to abortion causing death—Whether accessory to manslaughter—Ingredients of involuntary manslaughter.
Reg. v. Creamer, C.C.A. [1966] 1 Q.B. 72; [1965] 3 W.L.R. 583.

Joint enterprise — Co-adventurers' liability for common enterprise tacitly agreed — Act unauthorised by common enterprise—Liability of co-adventurer—Questions for jury—Death following stabbing with knife carried unknown to co-adventurer — Whether co-adventurer liable.
Reg. v. Anderson; Reg. v. Morris, C.C.A. [1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195.

Mens rea—Defence of accident—Mistake—Whether act "unlawful" — Whether intent required—Whether test objective or subjective—Unlawful and dangerous act—Shooting with revolver—Defendant not knowing bullet in revolver moved into firing chamber by pulling trigger—No intention to fire revolver—No assault or intent to harm—Death resulting from pulling trigger—Defence of accident—Mistake—Defence not left to jury—Jury misdirected on law—Whether conviction quashable.
Reg. v. Lamb, C.A. [1967] 2 Q.B. 981; [1967] 3 W.L.R. 888.

———Unlawful act resulting in death — Defendant's self-induced intoxication by drugs—Acts obviously likely to cause harm to victim killed by them—Whether proof of specific intent necessary—Whether verdict of manslaughter inevitable—Criminal Justice Act, 1967, s. 8. **Reg. v. Lipman,** C.A. [1970] 1 Q.B. 152; [1969] 3 W.L.R. 819.

———Victim rendered unconscious by blows—Body thrown into river—Appellant's belief that victim already dead—Recklessness—Tests to be applied. **Reg. v. Church,** C.C.A. [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220.

Plea—Indictment charging murder—Substantially diminished responsibility plainly indicated by medical evidence—Whether plea of guilty to manslaughter on ground of substantially diminished responsibility properly acceptable.
Reg. v. Cox (Maurice) C.A. [1968] 1 W.L.R. 308.

Onus of proof

Force used to defend a woman from attempted rape—Assailant indirectly killed—Contention that force justified and not excessive—Justification not a "defence"—Onus of disproving the justification on prosecution.
Reg. v. Wheeler, C.A. [1967] 1 W.L.R. 1531.

Provocation

Defence not raised—Conviction for capital murder—Whether incumbent on judge to raise issue of provocation—Whether evidence of provocation to justify verdict of manslaughter—Homicide Act, 1957, s. 3. **Reg. v. Porritt,** C.C.A. [1961] 1 W.L.R. 1372.

Direction to jury—Failure to direct on burden of proof as to provocation—Whether verdict of manslaughter should be substituted.
Reg. v. Cascoe, C.A. [1970] 2 All E.R. 833; 54 Cr.App.R. 401.

Extenuation by—Loss of power of self-control—No direct evidence of loss of self-control but possible inference from facts—Duty of court to leave issue of extenuation by extreme provocation to jury—Bahama Islands. **Rolle v. The Queen,** P.C. [1965] 1 W.L.R. 1341.

General principles—Intent to kill—Malice prepensed—Cooling off period.
Parker v. The Queen, P.C. [1964] A.C. 1369; [1964] 3 W.L.R. 70.

Intention to kill—Whether consistent with defence of provocation.
Reg. v. Martindale, Ct.-M.A.C. [1966] 1 W.L.R. 1564.

———Whether sufficient evidence of provocation to go to jury.
Lee Chun-Chuen v. The Queen, P.C. [1963] A.C. 220; [1962] 3 W.L.R. 1461.

Reaction of reasonable man—Whether for jury's consideration—Consideration of defendant's reaction—Intent as established—Whether to be considered—Homicide Act, 1957, s. 3—Criminal Justice Act, 1967, s. 8.
Reg v. Ives, C.A. [1970] 1 Q.B. 208; [1969] 3 W.L.R. 266.

Retaliatory act—Relationship between degree of retaliation and nature of provocation—Element for consideration by jury—Whether provocation sufficient to make reasonable so to act—Whether reasonable relationship rule existing—Homicide Act, 1957, s. 3.
Reg. v. Walker, C.A. [1969] 1 W.L.R. 311.

———Whether reasonable man would have reacted to the provocation in the way in which defendant did—Question of opinion exclusively for jury—Proper direction to jury—Offences against the Person Amendment Law (Jamaica), No. 43 of 1955, s. 3c—Homicide Act, 1957, s. 3.
Phillips v. The Queen, P.C. [1969] 2 A.C. 130; [1969] 2 W.L.R. 581.

Sentence. See **Sentence.**

CRIME—*continued.*

Homicide—*continued.*

Sentence for manslaughter

Fifteen years' imprisonment—Whether wrong in principle.
Reg. v. Church, C.C.A. [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220.

House of Lords. *See* HOUSE OF LORDS.

Housebreaking implements, possession of

Direction to jury

Implement capable of innocent use—Whether for defence to prove lawful excuse—Larceny Act, 1916, s. 28 (2).
Reg. v. Patterson, C.C.A. [1962] 2 Q.B. 429; [1962] 2 W.L.R. 496.

Sentence

Offence attracting significant sentence—Theft Act, 1968, s. 25.
Reg. v. Person, C.A. (1969) 53 Cr.App.R. 640.

Indecent assault

By female on male

Continued sexual intercourse between adult woman and boys of 14 to 16—No use of force or hostile act—Whether indictment will lie—Sexual Offences Act, 1956, s. 15 (1).
Reg. v. Mason, Veale J. (1968) 53 Cr.App.R. 12.

Separate counts

Seven counts in relation to four boys—Necessity to direct jury to consider evidence on each count separately. **Reg. v. Fisher,** C.C.A. [1965] 1 W.L.R. 464.

Indecent behaviour

Place of public worship

Politically motivated interruptions of divine service—Whether "indecent" behaviour—Ecclesiastical Courts Jurisdiction Act, 1860, s. 2.
Abrahams v. Cavey, Divl.Ct. [1968] 1 Q.B. 479; [1967] 3 W.L.R. 1229.

Indictment. (*See also* **Practice.**)

Additional counts

Committal for trial for non-existent offence—Additional charges added to indictment—Original charge quashed—Whether committal a nullity—Whether additional charges properly included—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2).
Reg. v. Lamb (Thomas), C.A. [1968] 1 W.L.R. 1946.

Amendment

Count charging receiving of three paintings—Amendment charging receiving of eight paintings—Amended charge sufficiently disclosed in depositions—Whether original count "defective"—When jurisdiction to amend by addition of fresh count—Indictments Act, 1915, s. 5 (1). **Reg. v. Hall,** C.A. [1968] 2 Q.B. 788; [1968] 3 W.L.R. 359.

Count, framing of

Committal for trial on charges of conspiracy with company "and with others unknown"—"And with others unknown" omitted from counts in indictment—Whether a substantial departure from charges—Whether ground for quashing indictment—Whether sufficient evidence disclosed on deposition to support charge—"The offence"—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2).
Reg. v. McDonnell, Nield J. [1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138.

Duplicity

Administration of drug to enable two men to have sexual intercourse with woman—One administration of drug—Two counts—Impropriety—Corroboration—Sexual Offences Act, 1956, s. 4. **Reg. v. Shillingford; Reg. v. Vanderwall,** C.A. [1968] 1 W.L.R. 566.

Fraud—Intent—Trading with intent to defraud creditors—Trading for any fraudulent purpose—"Carrying on . . . business of . . . company . . . with intent to defraud . . . creditors . . . or other persons by inciting them to entrust property to . . . company when . . . insolvent"—Whether count bad for duplicity—Companies Act, 1948, s. 332 (1) (3). **Reg. v. Inman,** C.C.A. [1967] 1 Q.B. 140; [1966] 3 W.L.R. 567.

Two offences arising out of a single act charged conjunctively—Driving "at a speed and in a manner dangerous" to public—Road Traffic Act, 1960, s. 1.
Reg. v. Clow, C.C.A. [1965] 1 Q.B. 598; [1963] 3 W.L.R. 84.

Two offences arising out of same incident—Separate counts of buggery and indecent assault—Indecent assault arising out of same incident and as preliminary to buggery—Undesirability of distinct charges arising out of same incident.
Reg. v. Harris (John), C.A. [1969] 1 W.L.R. 745.

CRIME—*continued.*

Indictment—*continued.*

Homicide

Repeated murders—Third count of indictment alleging capital murder "on a different occasion" from those specified in previous counts—Whether allegation of murder on a different occasion part of offence.
Reg. v. King, McNair J. and C.C.A. [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980.

Joinder of charges

Attempted larceny and robbery with violence—Two offences committed in neighbouring public houses within weeks—Whether "series of offences of . . . similar character"—Indictments Act, 1915, Sch. 1, r. 3.
Reg. v. Ludlow, C.A. [1970] 1 Q.B. 101; [1969] 3 W.L.R. 640.
H.L.(E.) [1970] 2 W.L.R. 521.

Indictment drawn after defendant's election of jury trial on charge triable summarily or on indictment—Whether any charge joinable founded on facts or evidence in deposition and lawfully joinable—Whether exhaustive limitations provided—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2) (i).
Reg. v. Roe, C.A. [1967] 1 W.L.R. 634.

Propriety—Driving while disqualified and other charge—Prejudice to defendant—Application to sever—Whether to be made before arraignment.
Reg. v. Andrews, C.A. [1967] 1 W.L.R. 439.

Two murders—Similar features—Criminal "firm"—Accessories covering up—Whether indictment severable—Discretion—Avoidance of injustice—Whether inevitable prejudice conclusive—Desirability of joint trial—"Offences of . . . a similar character"—"Series"—Indictments Act, 1915, Sch. 1, r. 3.
Reg. v. Kray (Ronald), C.A. [1970] 1 Q.B. 125; [1969] 3 W.L.R. 831.

Two separate receivings of property—Property received stolen by same thief—Joinder of charges against thief and both receivers—Plea of guilty by thief—Whether joinder of separate receivers permissible—Accessories and Abettors Act, 1861, s. 6—Indictments Act, 1916, Sch. 1, r. 3—Larceny Act, 1916, ss. 40 (3), 44 (5).
Reg. v. Tizard, C.C.A. [1962] 2 Q.B. 608; [1962] 2 W.L.R. 652.

Joinder of defendants

Absence of joint charge — Discretion of court — Consideration of interests of justice, including defendants' interests—Degree of judicial care necessary in scrutiny of available evidence — Offences related in time or otherwise — Malicious wounding by one defendant of one victim and assault by other defendant on another victim—Evidence justifying charge of defendants acting in concert—Whether charges triable by same jury—Accessories and Abettors Act, 1861, ss. 6, 8—Larceny Act, 1916, s. 44 (5)—Indictments Act, 1915, ss. 4, 5, Sch. 1, r. 3.
Reg. v. Assim, C.C.A. [1966] 2 Q.B. 249; [1966] 3 W.L.R. 55.

Rape—Allegation of joint offence by three defendants—Two convictions of rape, one of attempted rape—Direction to convict each defendant only if proved to be principal in first degree—No direction on aiding and abetting—Whether indictment properly framed—Whether jury properly directed—Whether substituted verdict appropriate.
Reg. v. Holley, C.A. (1969) 53 Cr.App.R. 519.

Joint charge

Charge of stealing two articles—Plea of guilty by one defendant and not guilty by other—Summing up on possibility of "separate pieces of private enterprise"—Other defendant found guilty of stealing one article—Whether different offence—Whether conviction valid—Criminal Law Act, 1967, s. 6 (3)—Criminal Appeal Act, 1968, ss. 2 (1), 3.
Reg. v. Parker, C.A. [1969] 2 Q.B. 248; [1969] 2 W.L.R. 1063.

Joint counts

Malicious damage charged jointly—Independent acts of damage proved—Whether conviction valid. **Reg. v. Scaramanga,** C.C.A. [1963] 2 Q.B. 807; [1963] 3 W.L.R. 320.

Particulars

Accurate statement of offence—Particulars defective—Whether indictment bad—Larceny Act, 1916, s. 20 (1) (iv) (*a*) (*b*).
Reg v. Yule, C.C.A. [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285.

Plea of demurrer

Allegation that evidence on deposition insufficient to support a conviction—Whether power to examine depositions—Whether plea must be in writing.
Reg. v. Inner London Quarter Sessions, *Ex parte* **Metropolitan Police Comr.,**
D.C. [1970] 2 Q.B. 80; [1970] 2 W.L.R. 95.

Property, description of

Misdescription of owner—Conviction for larceny—Whether valid.
Reg. v. Gill, C.C.A. [1963] 1 W.L.R. 841.

CRIME—*continued.*

Indictment—*continued.*

Separate counts

Charges of forging and uttering same document—No evidence as to way forgery came into existence—Finding of not guilty of forgery on direction of judge—Conviction of uttering—Whether verdicts inconsistent—Separate offences—Whether plea of autrefois acquit applicable—Forgery Act, 1913, ss. 6 (2), 11 (1).
Reg. v. Harris, C.C.A. [1966] 1 Q.B. 184; [1965] 3 W.L.R. 1040.

Charges of incest with different sisters at different times—Whether counts should be tried separately—Decision to try together—Whether grounds for interfering—Whether necessary to direct jury that when considering each count evidence relating to other counts to be excluded. **Reg. v. Flack,** C.A. [1969] 1 W.L.R. 937.

Insanity

Automatism

Dangerous driving—Burden of proof.
Watmore v. Jenkins, Divl.Ct. [1962] 2 Q.B. 572; [1962] 3 W.L.R. 463.

Homicide—Defence that accused suffering from attack of psychomotor epilepsy—Disease of the mind—Rejection by jury of defence of insanity—Whether duty of judge to leave defence of automatism to jury—Northern Ireland.
Bratty v. Attorney-General for Northern Ireland, H.L.(N.I.) [1963] A.C. 386; [1961] 3 W.L.R. 965.

Diminished responsibility. See **Homicide.**

Drunkenness. See **Drunkenness.**

M'Naughten Rules

Disorder of the mind—Mental disorder manifesting itself in violence and liable to recur—Psychomotor epilepsy. **Bratty v. Attorney-General for Northern Ireland,** H.L.(N.I.) [1963] A.C. 386; [1961] 3 W.L.R. 965.

Whether applicable outside field of crime—Divorce—Cruelty.
Williams v. Williams, H.L.(E.) [1964] A.C. 698; [1963] 3 W.L.R. 215.

Onus of proof

Diminished responsibility—Whether prosecutor may lead evidence of insanity.
Reg. v. Russell, Marshall J. [1964] 2 Q.B. 596; [1964] 2 W.L.R. 551.

Whether prosecution may lead evidence of insanity—Duty to do so.
Bratty v. Attorney-General for Northern Ireland, H.L.(N.I.) [1963] A.C. 386; [1961] 3 W.L.R. 965.

————————————————Homicide—Prosecution evidence of insanity in rebuttal of diminished responsibility—Whether prosecution entitled to invite jury to consider insanity—Homicide Act, 1957, s. 2.
Reg. v. Price, Lawton J. [1963] 2 Q.B. 1; [1962] 3 W.L.R. 1308.

Whether prosecution may lead evidence of insanity before defence—Homicide Act, 1957, s. 2. **Reg. v. Dixon,** Jones J. [1961] 1 W.L.R. 337.

Issue estoppel. *See* Estoppel.

Jury. *See* **Practice.**

Larceny

Asportation

Goods in supermarket store—Customer selecting goods wrapped and handed over by counter assistant—Owner's permission to customer to hold goods picked up—Whether customer's holding bailment, custody or licence subject to condition—Extent of licence—Customer intending to avoid payment for selected goods in bag—Bag handed to store manager aware of contents and customer's intention—Whether manager in possession or control of selected goods in bag—Manager thinking himself bound to allow customer to leave store before safe to detain or charge customer—Return of bag by manager to customer leaving store—Whether goods taken invito domino—Whether manager consenting to taking—Larceny Act, 1916, s. 1.
Martin v. Puttick, Divl.Ct. [1968] 2 Q.B. 82; [1967] 2 W.L.R. 1131.

Bailee, by

Whether finder "bailee" within meaning of the Act—Larceny Act, 1916, s. 1 (1) (2).
Thompson v. Nixon, Divl.Ct. [1966] 1 Q.B. 103; [1965] 3 W.L.R. 501.

Claim of right

Assault with intent to rob—Honest belief that money owed by victim—Belief that entitled to recover amount owed—Intention to take amount owed only—Whether a defence—Burden of proof—Larceny Act, 1916, s. 23 (1) (*a*).
Reg. v. King-Jones and Gladdy, Mocatta J. [1966] 1 W.L.R. 1077.

CRIME—*continued.*

Larceny—*continued.*

Claim of right—continued.

Robbery with aggravation—Honest belief that entitled to take money—Whether a defence—Whether necessary to show honest belief that entitled to take by force—Larceny Act, 1916, s. 23 (1) (*a*). **Reg. v. Skivington,** C.A. [1968] 1 Q.B. 166; [1967] 2 W.L.R. 665.

Customer in cash and carry shop undercharged

Intention by person in authority to pass the property in all the goods—Whether goods taken with the consent of the owner—Whether larceny—Larceny Act, 1916, ss. 1 (1), 2. **Lacis v. Cashmarts,** D.C. [1969] 2 Q.B. 400; [1969] 2 W.L.R. 329.

Demanding money with menaces

"Menaces"—Effect on victim's mind—Whether necessary to influence—Whether sufficient if mind of ordinary person affected—Test—Larceny Act, 1916, s. 30. **Reg. v. Clear,** C.A. [1968] 1 Q.B. 670; [1968] 2 W.L.R. 122.

Duress. See **Duress.**

Evidence

Indirect proof of theft—Facts on which reasonable person could infer theft—No direct proof—Whether prima facie case. **Noon v. Smith,** Divl.Ct. [1964] 1 W.L.R. 1450.

False pretences or larceny. See **False pretences.**

Larceny as a servant

Takings never notionally leaving employers' possession until paid into employers' bank account—Whether offence correctly charged. **Reg. v. O'Driscoll,** C.A. [1968] 1 Q.B. 839; [1967] 3 W.L.R. 1143.

Restitution

Goods in possession of third party—Competing claims to title—Oral application to justices for order at time of conviction—Adjournment to enable third party to be heard—Substantive application at later date—Jurisdiction of justices—Whether discretion to make order—Difficult questions of law and fact—Whether desirable for criminal court to make order—Larceny Act, 1916, s. 45—Magistrates' Courts Act, 1952, s. 33. **Stamp v. United Dominions Trust (Commercial) Ltd.,** Divl.Ct. [1967] 1 Q.B. 418; [1967] 2 W.L.R. 541.

Restitution order. See RESTITUTION.

Ripping glass or woodwork belonging to building

Intent to steal—Whether intent to steal glass or woodwork—Larceny Act, 1916, s. 8 (1) (*a*). **Reg. v. Harlow; Reg. v. Winstanley,** C.A. [1967] 2 Q.B. 193; [1967] 2 W.L.R. 702.

Servant, larceny by

Intention to repay—Coins or notes—Taking with all elements of larceny but with hope, intention and reasonable expectation of ability to replace by equivalent—Whether larceny—Shop manager taking money from till intending to replace by valid cheque as on previous occasions—Whether conviction for larceny proper—Grounds for expecting and feeling confident of certainty of prompt repayment—Whether grounds for mitigation of sentence—Larceny Act, 1916, s. 17 (1) (*a*). **Reg. v. Cockburn,** C.A. [1968] 1 W.L.R. 281.

Legal aid. (*See also* **Court of Criminal Appeal; Practice** (*Defence certificate*).)

Taxation

Review of taxing authority's decision—Appeal from decision of taxing master—Procedure—Legal Aid in Criminal Proceedings (Fees and Expenses) Regulations, 1968, regs. 9, 10. **Practice Directions (Crime: Legal Aid Taxation)** [1969] 1 W.L.R. 370.

Maintenance. *See* MAINTENANCE OF SUIT.

Man-trap

"*Engine calculated to . . . inflict grievous bodily harm*"

Arrangement of wires bringing electricity to window—Likelihood of shock, burn or death to person opening window—Whether wires "engine"—Offences against the Person Act, 1861, s. 31. **Reg. v. Munks,** C.C.A. [1964] 1 Q.B. 304; [1963] 3 W.L.R. 952.

Marriage solemnisation

"*Knowingly and wilfully solemnising a marriage*"

Marriage Act, 1836, s. 39. **Rex v. Mohamed (Ali) (Note),** Humphreys J. [1964] 2 Q.B. 350.

Potentially polygamous marriage

Mohammedan ceremony performed in England—No intention to create monogamous marriage—Whether solemnisation of a "marriage"—Marriage Act, 1949, s. 75 (2) (*a*). **Reg. v. Bham,** C.C.A. [1966] 1 Q.B. 159; [1965] 3 W.L.R. 696.

CRIME—*continued.*

Mens rea. (*See also* ROAD TRAFFIC (**Public service vehicle**).)

Assault

Unintentional battery—Car driven on to policeman's foot—Supervening mens rea constituted by deliberate delay in removing car—Whether an assault.
Fagan v. Metropolitan Police Comr., D.C. [1969] 1 Q.B. 439; [1968] 3 W.L.R. 1120.

"*Maliciously*"

Letter sent containing threat to murder—Letter not sent to intended victim—Letter sent to and received by a third person—Whether sending of letter malicious—Offences against the Person Act, 1861, s. 16. **Reg. v. Solanke,** C.A. [1970] 1 W.L.R. 1.

Wounding with intent to commit grievous bodily harm—Defence of self-defence—Verdict of unlawful wounding open to jury—Ingredients of offence—"Unlawfully" and "maliciously"—Whether necessary for jury to be directed as to meaning of "maliciously"—Issues for jury—Prevention of Offences Act, 1851, s. 5—Offences against the Person Act, 1861, ss. 18, 20. **Reg. v. Mowatt,** C.A. [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192.

Manslaughter. See **Homicide.**

Solemnisation of marriage

"Knowingly and wilfully . . . falsely pretending to be in Holy Orders"—Whether intent to deceive essential—Marriage Act, 1949, s. 75 (1) (*d*).
Reg. v. Kemp; Reg. v. Else, C.C.A. [1964] 2 Q.B. 341; [1964] 2 W.L.R. 648.

Statutory offence

Conspiracy to commit—Customs and Excise Act, 1952, s. 200 (2).
Reg. v. Churchill (No. 2), H.L.(E.) [1967] 2 A.C. 224; [1967] 2 W.L.R. 682.

————————No necessity for mens rea—Customs and Excise Act, 1952, s. 200 (2).
Reg. v. Churchill (No. 2), C.C.A. [1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116.

Drugs—Person "concerned in management of" premises used for smoking cannabis—Landlord not living on premises but retaining room and visiting occasionally—Other rooms sublet to various tenants—Whether landlord "concerned in the management of" premises used for drug taking—Whether occupier can also be concerned in management of premises—Dangerous Drugs Act, 1965, s. 5.
Sweet v. Parsley, Divl.Ct. [1968] 2 Q.B. 418; [1968] 2 W.L.R. 1360.
H.L.(E.) [1970] A.C. 132; [1969] 2 W.L.R. 470.

————Person "concerned in management of" premises used for smoking cannabis or dealing in cannabis—Whether knowledge necessary—Dangerous Drugs Act, 1964, s. 9 (1). **Yeandel v. Fisher,** Divl.Ct. [1966] 1 Q.B. 440; [1965] 3 W.L.R. 1002.

Entering Singapore when prohibited by order—No notice of order given to defendant Whether offence committed.
Lim Chin Aik v. The Queen, P.C. [1963] A.C. 160; [1963] 2 W.L.R. 42.

False customs entry—No intention to deceive—Whether offence constituted—Customs Ordinance (Fiji), s. 166.
Patel v. Comptroller of Customs, P.C. [1966] A.C. 356; [1965] 3 W.L.R. 1221.

"In possession of a drug"—Meaning—Whether defendant must have knowledge that article in his possession is a drug—Dangerous Drugs (No. 2) Regulations, 1964, reg. 9—Dangerous Drugs Act, 1965, s. 13.
Lockyer v. Gibb, Divl.Ct. [1967] 2 Q.B. 243; [1966] 3 W.L.R. 84.

Licensed betting office—Youth apparently under 18—"Admitted to or allowed to remain on premises"—Whether knowledge necessary—Betting and Gaming Act, 1960, s. 5, Sch. 2, para. 8. **Mallon v. Allon,** Divl.Ct. [1964] 1 Q.B. 385; [1963] 3 W.L.R. 1053.

Sale of intoxicating liquor without justices' licence—Liquor supplied for payment to non-member of club in belief that he was member—Whether offence committed—Licensing Act, 1964, s. 160 (1). **French v. Hoggett,** Divl.Ct. [1968] 1 W.L.R. 94.

Whether absolute—Bankrupt's failure to give explanation of manner in which loss of a substantial part of his estate was incurred—Whether an absolute offence—Whether explanation "satisfactory"—Bankruptcy Act, 1914, ss. 157 (1) (*c*), 164 (3).
Reg. v. Salter, C.A. [1968] 2 Q.B. 793; [1968] 3 W.L.R. 39.

————————Failure to accord precedence to pedestrian on crossing by driver of vehicle—Failure of brakes.
Burns v. Bidder, Divl.Ct. [1967] 2 Q.B. 227; [1966] 3 W.L.R. 99.

CRIME—*continued.*

Mens rea—*continued.*

Statutory offence—*continued.*

Whether absolute—Insurance of motor vehicle—False statement in proposal form—Whether making a false statement for purpose of obtaining issue of an insurance certificate an absolute offence—Road Traffic Act, 1960, s. 235 (2) (*a*).
Reg. v. Cummerson, C.A. [1968] 2 Q.B. 534; [1968] 2 W.L.R. 1486.

Suicide

Intention—Whether necessary ingredient—Woman's jump from window—Whether aware of consequences—Whether suicide—"Suicide"—Meaning.
In re **Davis, decd.,** C.A. [1968] 1 Q.B. 72; [1967] 2 W.L.R. 1089.

"*Wilfully*"

Public meeting held on highway—Passage for vehicles cleared by police with speaker's help—No intention by speaker to do wrongful act—Whether wilful obstruction—Highways Act, 1959, s. 121 (1).
Arrowsmith v. Jenkins, Divl.Ct. [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856.

Mental deficiency

Sexual intercourse with defective

Statutory defence—Defendant's state of mind—Whether test subjective or objective—Meaning of "Defective"—"Severe subnormality"—"Subnormality"—Whether necessity to direct jury as to difference—Sexual Offences Act, 1956, ss. 7, 45 (as amended by Mental Health Act, 1959, s. 127)—Mental Health Act, 1959, s. 4.
Reg. v. Hudson, C.C.A. [1966] 1 Q.B. 448; [1965] 2 W.L.R. 604.

"Misdemeanour"

"*Misdemeanour*" *triable* "*summarily*"

Whether indictable offence—Hong Kong Ordinance.
Li Keung Pong v. Attorney-General of Hong Kong, P.C. [1964] 1 W.L.R. 892.

Misprision of felony

Offence

Whether it now exists—Whether active concealment necessary ingredient—Whether concealment must be of advantage or a source of profit to misprisor.
Reg. v. Sykes, C.C.A. [1961] 2 Q.B. 9; [1961] 2 W.L.R. 392.
Sykes v. Director of Public Prosecutions, H.L.(E.) [1962] A.C. 528; [1961] 3 W.L.R. 371.

Untrue statement under caution

Whether misprision—Whether active or passive concealment—Direction to jury on passive concealment—Whether proviso applicable—Criminal Appeal Act, 1907, s. 4.
Reg. v. King (Joseph), C.C.A. [1965] 1 W.L.R. 706.

Murder. *See* **Homicide.**

Nemo debet bis vexare. *See* NEMO DEBET BIS VEXARE.

Obscene libel

Advertisement

Booklet consisting mainly of advertisements by and names and addresses of prostitutes—Advertisements inviting sexual intercourse and in some cases indulgence in sexual perversions—"Tend to deprave and corrupt"—Reliance on publisher's honesty of purpose—Whether new Act bar to prosecution for conspiracy at common law—Obscene Publications Act, 1959, ss. 1, 2 (4). **Shaw v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 220; [1961] 2 W.L.R. 897.

Brighton by-law

Serious poetry reading in street—"Go fuck yourself with your atom bomb"—Whether indecent in circumstances. **Wiggins v. Field,** D.C. (1968) 66 L.G.R. 635.

Defence of public good

Evidence—Novel properly found obscene—Expert evidence about merits—No other oral evidence—Forfeiture—Consideration of merits and demerits—Matters for consideration—Onus of proof—Whether opinions of justices admissible—Obscene Publications Act, 1959, s. 4. **John Calder (Publications) Ltd. v. Powell,** Divl.Ct. [1965] 1 Q.B. 509; [1965] 2 W.L.R. 138.

Proof—Whether onus on defendant—Standard—Whether balance of probabilities—Expert witnesses—Order of calling—Whether discretion in court to rule that experts be called first for defence and in rebuttal for prosecution—Proper direction on defence that publication justified because of literary, sociological and ethical merit of book—Factors for weighing by jury—Whether for jury to set standards of contemporary acceptability and public good—Omission to give proper direction—Whether defect—Whether cured or lessened by direction in general terms to consider whether publication justified as being for public good—Whether conviction maintainable by application of proviso to Act of 1907—Obscene Publications Act, 1959, ss. 1 (1), 4—Criminal Appeal Act, 1907, s. 4 (1) (as amended by Criminal Appeal Act, 1966, s. 4 (1)).
Reg. v. Calder & Boyars Ltd., C.A. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974.

CRIME—*continued.*

Obscene libel—*continued.*

Evidence. See **Evidence.**

Forfeiture

Films and photographs seized on business premises—Articles examined and summons issued by justices—Summons heard by same justices—Defendant's evidence as to nature and conduct of business—Whether part of "the circumstances" in which articles found—Obscene Publications Act, 1959, s. 3 (3) (7).
Morgan v. Bowker, Divl.Ct. [1964] 1 Q.B. 507; [1963] 2 W.L.R. 860.

Forfeiture order made in respect of certain photographs—No order in respect of other similar photographs—Whether prosecutor entitled to appeal by case stated—Whether party to proceedings—Magistrates' Courts Act, 1952, s. 87 (1)—Obscene Publications Act, 1959, s. 3. **Burke v. Copper,** Divl.Ct. [1962] 1 W.L.R. 700.

Obscene article

". . . effect . . . to tend to deprave and corrupt persons . . . likely . . . to read book"—"Persons"—Whether majority of likely readers—Whether average reader—Significant proportion of likely readers—Whether for jury to decide what is significant proportion of persons likely to read book—"Obscene"—Definition—Book with words and incidents colloquially obscene—Denial that book obscene within statutory definition—Defence that feelings of revulsion, pity and horror produced by book having reverse of tendency to deprave and corrupt—Importance of explanation of defence to jury—Absence of explanation—Whether serious defect in direction—Whether cured by references to expert evidence on defence of publication justifiably for public good—Questions of obscenity of book and publication for public good—Whether for Court of Appeal.
Reg. v. Calder & Boyars Ltd., C.A. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974.

Photographic negative—Display cards of prints numbered to correspond with photographic negatives—Prints orderable from negative—Whether photographic negative "obscene article"—"Article"—Whether kept for publication for gain—"Obscene article"—Obscene Publications Act, 1959, ss. 1 (2) (3) (*b*), 2 (1), 3 (1).
Straker v. Director of Public Prosecutions, Divl.Ct. [1963] 1 Q.B. 926; [1963] 2 W.L.R. 598.

Postal packet

Indecent or obscene article—Article indecent but not obscene—Whether offence to send in postal packet—"Indecent"—"Obscene"—Post Office Act, 1953, s. 11 (1) (*b*).
Reg. v. Stanley, C.C.A. [1965] 2 Q.B. 327; [1965] 2 W.L.R. 917.

Tendency to corrupt

Drug-taking advocated in novel—Whether "obscene"—Whether obscenity and depravity confined to sex—Obscene Publications Act, 1959, s. 1.
John Calder (Publications) Ltd. v. Powell, Divl.Ct. [1965] 1 Q.B. 509; [1965] 2 W.L.R. 138.

Sale of obscene photographs to experienced police officers—Whether their insusceptibility relevant—Obscene Publications Act, 1959, s. 2.
Reg. v. Clayton and Halsey, C.C.A. [1963] 1 Q.B. 163; [1962] 3 W.L.R. 815.

Sale of obscene photographs to named persons—Whether likelihood of republication an ingredient of the offence—Obscene Publications Act, 1959, s. 2.
Reg. v. Barker, C.C.A. [1962] 1 W.L.R. 349.

Obstruction of police. *See* POLICE.

Offensive weapon. (*See also* **Firearm.**)

Knowledge of possession

Onus of proof—Prevention of Crime Act, 1953, s. 1.
Reg. v. Cugullere, C.C.A. [1961] 1 W.L.R. 858.

Onus of proof

Offensive weapon per se—Sword stick—Prosecution not required to prove intention to cause injury—Prevention of Crime Act, 1953, s. 1.
Davis v. Alexander, D.C. (1970) 54 Cr.App.R. 398.

Weapon not offensive per se—Razor—Prevention of Crime Act, 1953, s. 1.
Reg. v. Petrie, C.C.A. [1961] 1 W.L.R. 358.

Official secrets

Prejudice to State

Evidence—Conspiracy to enter and incite others to enter a prohibited place—Purpose of entry to ground aircraft to prevent carriage of nuclear weapons—Meaning of "purpose"—Evidence by Crown witness that entry prejudicial to State—Judge's exclusion of cross-examination and evidence as to defendants' intention and showing that acts in fact beneficial to State—Whether judge right in so ruling—Whether acts disclosed conspiracy to commit breach of section 1 of Act of 1911—Official Secrets Act, 1911, s. 1 (1). **Chandler v. Director of Public Prosecutions,** H.L.(E.) [1964] A.C. 763; [1962] 3 W.L.R. 694.

CRIME—*continued.*

Official secrets—*continued.*

Prohibited place

Obstruction of member of security force—Obstruction occurring actually in prohibited place —Whether " in vicinity of . . . prohibited place "—Official Secrets Act, 1920, s. 3.
Adler v. George, Divl.Ct. [1964] 2 Q.B. 7; [1964] 2 W.L.R. 542.

Onus of proof. *See* BURDEN OF PROOF.

Peace

Recognisances to keep. See JUSTICES.

Perjury. (*See also* FRAUD (**Fraud to court**); PERJURY.)

Particulars of charge

Sufficiency. **Reg. v. Aylesbury Justices,** *Ex parte* **Wisbey,** Divl.Ct. [1965] 1 W.L.R. 339.

Sentence

Serious offence—Deserving severe penalties.
Reg. v. Simmonds (George), C.A. (1969) 53 Cr.App.R. 488.

Plea. (*See also* JUSTICES.)

Fitness to plead

" Disability "—Test—Ability to understand legal proceedings—Inability of person to act in own interests—Whether sufficient for finding of disability—" Question of fitness to be tried "—Question raised by prosecution—Onus of proof—Standard of proof—Criminal Procedure (Insanity) Act, 1964, s. 4.
Reg. v. Robertson, C.A. [1968] 1 W.L.R. 1767.

" Question of fitness to be tried "—Discretion to postpone determination of question—Whether judicial factors to be taken into account—Whether in interests of a defendant with reasonable chance of successfully challenging prosecution's case—No necessity for hospital detention of defendant if not guilty—Question determined before arraignment—Whether wrong decision of a question of law—Whether miscarriage of justice occurring —Criminal Procedure (Insanity) Act, 1964, s. 4 (2)—Criminal Appeal Act, 1968, ss. 15, 16 (1). **Reg. v. Webb,** C.A. [1969] 2 Q.B. 278; [1969] 2 W.L.R. 1088.

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——————————————————————————Question determined before arraignment—Whether wrong decision on a question of law—Criminal Procedure (Insanity) Act, 1964, s. 4 (2)—Criminal Appeal Act, 1968, ss. 15, 16 (1).
Reg. v. Burles, C.A. [1970] 2 Q.B. 191; [1970] 2 W.L.R. 597.

Whether " the question arises "—Question not raised by prosecution or defence—Whether medical reports—Informal questioning of doctor by judge—Whether question raised by judge—Whether jury should be empanelled to decide whether defendant fit to plead—Criminal Procedure (Insanity) Act, 1964, s. 4 (1) (4).
Reg. v. McCarthy, C.C.A. [1967] 1 Q.B. 68; [1966] 2 W.L.R. 555.

Guilty

Not guilty plea entered—Counsel advising change of plea during trial—Propriety—Defendant's freedom of choice—Access between counsel and judge—Presence of defendant's solicitor—" Plea bargaining "—Whether improper.
Reg. v. Turner, C.A. [1970] 2 Q.B. 321; [1970] 2 W.L.R. 1093.

One count — Plea of not guilty to wounding with intent — Plea of guilty to unlawful wounding—Plea not accepted by prosecution—Finding of not guilty of wounding with intent—Whether plea of guilty to unlawful wounding deemed to have been withdrawn —Offences against the Person Act, 1861, ss. 18, 20—Criminal Justice Administration Act, 1914, s. 39 (1). **Reg. v. Hazeltine,** C.A. [1967] 2 Q.B. 857; [1967] 3 W.L.R. 209

Plea entered on record—Guilty to malicious damage of one glass—Particulars of offence alleged number of articles—Plea not accepted—Trial and subsequent acquittal—Whether plea of guilty on record a conviction—Implied withdrawal of plea—Duty of judge to order record to be corrected.
Reg. v. Kelly (James), C.C.A. [1965] 2 Q.B. 409; [1965] 3 W.L.R. 571.

Plea of guilty before justices—Committal to quarter sessions for sentence—Appeal against conviction on ground that plea equivocal—Case remitted to justices—Refusal by justices to deal with case—Whether jurisdiction in quarter sessions to remit—Whether jurisdiction in justices to enter plea of not guilty.
Reg. v. Tottenham Justices, *Ex parte* **Rubens,** D.C. [1970] 1 W.L.R. 800.

Practice—Publication of circumstances of offence—Murder—No reported committal proceedings—Duty of prosecution to state facts in open court—Criminal Justice Act, 1967.
Practice Direction (Plea of Guilty: Statement of Facts), C.A. [1968] 1 W.L.R. 529.

Whether amounting to conviction—Alternative counts—Plea of guilty to receiving—Plea of not guilty to armed robbery—Whether trial for armed robbery excluded by plea of guilty to receiving—Discretion of judge to refuse to accept plea of guilty.
Reg. v. Cole, C.C.A. [1965] 2 Q.B. 388; [1965] 3 W.L.R. 263.

CRIME—*continued.*

Poaching

Information

No offence disclosed—No allegation that defendant "obtained . . . game . . . or . . . used . . . article or thing . . . or . . . accessory "—Whether information void ab initio—Whether sustainable on appeal—Poaching Prevention Act, 1862, s. 2—Magistrates' Courts Act, 1952, s. 100. **Garman v. Plaice,** D.C. [1969] 1 W.L.R. 19.

Practice

Alibi defence

Notice—Prosecution on receipt to send copy to court of trial—Criminal Justice Act, 1967, s. 11. **Practice (Crime: Alibi Defence),** C.A. [1969] 1 W.L.R. 603.

Allocutus

Omission—Effect—Defendant's desire to inform court of antecedents and facts of case—No point of law to submit—Whether ground for appeal against conviction or sentence. **Reg. v. Gombos (orse. Gyugyei),** C.C.A. [1965] 1 W.L.R. 575.

When necessary—Felony—Summary trial—Committal to quarter sessions for sentence—Failure to administer allocutus—Effect—Criminal Appeal Act, 1907, s. 15 (2)—Criminal Justice Act, 1948, s. 29 (3)—Magistrates' Courts Act, 1952, s. 29. **Reg. v. Rear,** C.C.A. [1965] 2 Q.B. 290; [1965] 2 W.L.R. 943.

Alternative counts

Plea of guilty to lesser charge—Plea of not guilty to more serious offence—Trial of more serious offence not excluded—Sentence on lesser charge if acquitted of serious offence. **Reg. v. Cole,** C.C.A. [1965] 2 Q.B. 388; [1965] 3 W.L.R. 263.

Alternative verdict

Larceny and receiving—Breaking and entering and stealing—Whether allegation amounting to or including receiving "expressly or by implication"—Whether jurisdiction to convict of receiving—Necessity for specific count—Criminal Law Act, 1967, s. 6 (3). **Reg. v. Woods,** C.A. [1969] 1 Q.B. 447; [1968] 3 W.L.R. 1192.

Rape—Charge of rape—Allegation of sexual intercourse with girl aged 15—Whether open to jury to convict of sexual intercourse with girl under 16—Criminal Law Act, 1967, s. 6 (3). **Reg. v. Fisher (Colin),** Cusack J. [1969] 2 Q.B. 114; [1969] 2 W.L.R. 453.

————————No alternative count in indictment—Complainant admittedly aged 14—Whether open to jury to convict of unlawful sexual intercourse—Whether verdict of indecent assault possible—Sexual Offences Act, 1956, Sch. 2, Pt. 1, item 1 (*a*)—Criminal Law Act, 1967, ss. 6 (3), 10, Sch. 2, para. 13, Sch. 3, Pt. 3. **Reg. v. Mochan,** Cusack J. [1969] 1 W.L.R. 1331.

Robbery and common assault—Robbery only charged—Conviction for common assault—Test to be applied—Threat of violence unaccompanied by positive act—Whether allegations expressly or impliedly including allegation of lesser offence—Criminal Law Act, 1967, s. 6 (3). **Reg. v. Springfield,** C.A. (1969) 53 Cr.App.R. 608.

Unlawful sexual intercourse—Girl under 16—Whether allegation necessarily including allegation of indecent assault—Inserting finger into girl's vagina—Whether indecent assault—Discretion to leave lesser offence to jury—Sexual Offences Act, 1956, s. 6 (1) (3)—Criminal Law Act, 1967, s. 6 (3). **Reg. v. McCormack,** C.A. [1969] 2 Q.B. 442; [1969] 3 W.L.R. 175.

When permissible—Charge of breaking and stealing—Whether jury may convict of breaking with intent—Larceny Act, 1916, ss. 26 (1), 27 (2). **Reg. v. Kelly,** C.C.A. [1964] 1 Q.B. 173; [1963] 3 W.L.R. 835.

Whether simple larceny an alternative verdict to robbery. **Reg. v. Desmond; Reg. v. Hall,** C.C.A. [1965] A.C. 960; [1964] 3 W.L.R. 1148.

Bail. See HABEAS CORPUS.

Case stated. See JUSTICES.

Committal proceedings. See JUSTICES.

Defence certificate

Notice of appeal—Whether covered by certificate—Poor Prisoners' Defence (Defence Certificate) Regulations, 1960, reg. 6. **Reg. v. Mullins (Practice Note),** C.C.A. [1962] 1 W.L.R. 1446.

Withdrawal from case of legal advisers assigned to accused—Lapse of certificate—Grant or refusal of fresh defence certificate—Principles governing exercise of court's discretion—Barrister's and solicitor's application to withdraw from case—Desirability of bare statement without explanation of reasons—Poor Prisoners' Defence Act, 1930, s. 1 (1). **Reg. v. Sowden,** C.C.A. [1964] 1 W.L.R. 1454.

CRIME—*continued.*

Practice—*continued.*

Defendant's statement

Application for direction to compel police officer to witness—Procedure inappropriate and undesirable. **Reg. v. Thatcher (Frederick) (Practice Note),** C.A. [1969] 1 W.L.R. 227.

Dock brief

Counsel—Selection of counsel with previous commitment elsewhere—Brief returned—Duty of counsel. **Reg. v. Howes,** C.C.A. [1964] 2 Q.B. 459; [1964] 1 W.L.R. 576.

Election for trial on indictment

Summary offence punishable with more than three months' imprisonment—Information about right of jury trial and meaning of summary trial—Question whether defendant wishes, instead of being tried summarily, to be tried by a jury—Defendant represented by solicitor or counsel—Whether defendant personally to be given information and asked question by court—Court informing and asking defendant personally—Whether permissible for solicitor or counsel to make election on defendant's behalf—Magistrates' Courts Act, 1952, s. 25 (3).
Reg. v. Kettering Justices, *Ex parte* **Patmore,** D.C. [1968] 1 W.L.R. 1436.

Indictment. (*See also* **Indictment.**)

Amendment—Defect—Indictment charging offence not disclosed in depositions—Offence disclosed in depositions not charged—Whether indictment "defective"—Jurisdiction to amend by addition of fresh count—Indictments Act, 1915, s. 5 (1).
Reg. v. Martin, C.C.A. [1962] 1 Q.B. 221; [1961] 3 W.L.R. 17.

————Whether amendment can charge new offence after arraignment—False pretences—"Valuable security" for "money"—"Procuring of delivery" for "obtaining."
Reg. v. Harden, C.C.A. [1963] 1 Q.B. 8; [1962] 2 W.L.R. 553.

Committal for trial at quarter sessions—Indictment not preferred at quarter sessions—Quarter sessions sending case for trial to assizes—Count added to indictment at assizes—Whether defendant "lawfully . . . indicted"—Criminal Justice Act, 1925, s. 14 (2)—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (1).
Reg. v. Wilson, C.A. [1968] 1 Q.B. 832; [1967] 3 W.L.R. 810.

Committal for trial on counts of robbery—Indictment containing additional counts of subsequent robberies—Indictment received by appellant six days before trial—Undesirability of such short notice—Duty of police.
Reg. v. Dickson, C.A. [1969] 1 W.L.R. 405.

Counsel, drafting by—Desirability in case of difficulty.
Reg. v. Martin, C.C.A. [1962] 1 Q.B. 221; [1961] 3 W.L.R. 17.

Discretion—Judge of opinion that prosecution not to proceed—Whether discretion to prevent trial. **Reg. v. Connelly,** C.C.A. [1964] A.C. 1254; [1963] 3 W.L.R. 839.
Connelly v. Director of Public Prosecutions, H.L.(E.)
[1964] A.C. 1254; [1964] 2 W.L.R. 1145.

————Prosecution proceeding on certain counts—Other counts to lie on file not to be proceeded with without leave of court—Application for leave to proceed on untried counts—Discretion of court—Principles applicable—Reproduction of original trial—Oppression—Refusal of leave. **Reg. v. Riebold,** Barry J. [1967] 1 W.L.R. 674.

Order to lie on file—"Not to be proceeded with without leave"—Jurisdiction of Court of Appeal—Application by defendant to be tried—Whether jurisdiction in court to grant application. **Reg. v. Thatcher (Practice Note),** C.A. [1967] 1 W.L.R. 1278.

Information

Particulars—Right of defendant—Charge of perjury containing no particulars—Sworn statement by private prosecutor containing names of witnesses and evidence to be given—Request by defendant for copy of statement and further particulars of charge—Whether should be available to defence—"Reasonable information of the nature of the charge"—Magistrates' Courts Rules, 1952, rr. 12, 13, 77 (1).
Reg. v. Aylesbury Justices, *Ex parte* **Wisbey,** Divl.Ct. [1965] 1 W.L.R. 339.

Jury. (*See also* **Summing up.**)

Challenge—Defendant not informed of right to challenge persons coming to book to be sworn—Whether amounting to denial of a right—Whether a failure to follow practice of informing defendant of existence of right—Whether ground of appeal against conviction. **Reg. v. Berkeley,** C.A. [1969] 2 Q.B. 446; [1969] 3 W.L.R. 154.

————Jurors asked to stand by before being challenged for cause—Indictment for misdemeanour—Peremptory challenges exhausted by defendant—Whether defendant had right to ask jurors to stand by—Discretion of court—Order of recalling jurors asked to stand by—Criminal Justice Act, 1948, s. 35 (1).
Reg. v. Chandler (No. 2), C.C.A. [1964] 2 Q.B. 321; [1964] 2 W.L.R. 689.

CRIME—*continued.*

Practice—*continued.*

Jury—continued.

Challenge—Separate trials of two persons arrested on same occasion on number of charges—First defendant found guilty on some charges—Same jury assembled to try second defendant—Peremptory challenge exhausted by second defendant—No challenge for cause—Five of original jurors present at second trial—Necessity of calling first defendant as witness—Irregularity of trial. **Reg. v. Gash,** C.A. [1967] 1 W.L.R. 454.

Coercion or exhortation by judge—Order to " make up your mind one way or the other." **Shoukatallie v. The Queen,** P.C. [1962] A.C. 81; [1961] 3 W.L.R. 1021.

Composition—All-women jury on judge's direction—Discretion of judge—Practice to be followed—Sex Disqualification (Removal) Act, 1919, s. 1. **Reg. v. Sutton (Margaret),** C.A. (1968) 53 Cr.App.R. 128.

Deadlock—Discharge of jury without returning a verdict—No bar to accused being tried by another jury—Discharge of jury before two hours' deliberation—No majority verdict—Retrial and conviction by a majority verdict—Whether conviction at retrial should stand—Criminal Justice Act, 1967, s. 13. **Reg. v. Elia,** C.A. [1968] 2 All E.R. 587.

Evidence after summing-up—Rule prohibiting introduction of further evidence after retirement of jury to consider verdict—Failure to adhere to rule—Conviction quashed. **Reg. v. Gearing (Note),** C.C.A. [1968] 1 W.L.R. 344.

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————————————Jury in retirement wishing to see car unidentified otherwise than as " Vauxhall Viva two-door car "—Inspection permitted of similar unidentified car—Whether rule distinguished—Whether conviction maintainable by application of proviso to s. 4 of Criminal Appeal Act, 1907 (as amended by Criminal Appeal Act, 1966, s. 4 (1). **Reg. v. Lawrence,** C.A. [1968] 1 W.L.R. 341.

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————————————Jury invited by defence in closing speech to see car identified as driven by defendant—Car uninspected by jury before retiring—Jury in retirement wishing to see car—Defence wishing and consenting to jury's inspection—Jury permitted to inspect car—Whether rule distinguished—Whether material irregularity in course of trial—Whether conviction maintainable by application of proviso to section 4 (1) of Criminal Appeal Act, 1907 (as amended). **Reg. v. Nixon,** C.A. [1968] 1 W.L.R. 577.

Evidence heard in absence of jury—Alleged misconduct of solicitors relating to notice of alibi—Whether proper course adopted. **Reg. v. Sutton (Patrick),** C.A. (1969) 53 Cr.App.R. 504.

General verdict—Partial verdict—Whether jury compellable to return. **Director of Public Prosecutions v. Nasralla,** P.C. [1967] 2 A.C. 238; [1967] 3 W.L.R. 13.

Juror's knowledge of defendants' character—Whether disqualified——Bias—Defendants thought to be dishonest by juror—No view as to guilt formed at outset of trial—Validity of verdict. **Reg. v. Box,** C.C.A. [1964] 1 Q.B. 430; [1963] 3 W.L.R. 696.

Knowledge of defendant's character—Juror not known to defendant—Recognition of juror by defendant's wife—Wife's belief that juror had knowledge of defendant's character—Whether jury should be discharged. **Reg. v. Hood,** C.A. [1968] 1 W.L.R. 773.

Majority verdict—" Not less than two hours for deliberation "—Computation of time—Period in excess of two hours—Criminal Justice Act, 1967, s. 13 (3). **Reg. v. Bateson,** C.A. [1969] 3 All E.R. 1372.

———————————————

Whether from original retirement until foreman asked in court for verdict—Jury returning to court with question—Whether counting as time for deliberation—Overall deliberation of two hours and one minute—Whether compliance with statutory requirement—Criminal Justice Act, 1967, s. 13 (3). **Reg. v. Adams,** C.A. [1969] 1 W.L.R. 106.

——————Two hours and 10 minutes to elapse before acceptance—Time elapsed to be stated in court—Criminal Justice Act, 1967, s. 13. **Practice Direction (Crime: Majority Verdicts),** C.A. [1967] 1 W.L.R. 1198.

Majority verdicts—Direction and procedure—Criminal Justice Act, 1967, s. 13. **Practice Direction (Crime: Majority Verdict),** C.A. [1970] 1 W.L.R. 916.

Missing juror—Absence of one juror on second day of trial—Certificate of assent given by counsel without defendant's knowledge—Verdict by eleven jurors—Whether juror properly discharged—Whether consent given " by or on behalf " of defendant—Criminal Justice Act, 1925, s. 15. **Reg. v. Browne,** C.C.A. [1962] 1 W.L.R. 759.

CRIME—*continued.*

Practice—*continued.*

Jury—continued.

Premature decision—Case adjourned during summing-up—Defendant's case not gone through by judge—Verdict reached by jury before resumption of summing-up—Duty of jury to hear summing-up on defence—Validity of verdict—Duty of judge to direct acquittal—Desirability. **Reg. v. Young,** C.C.A. [1964] 1 W.L.R. 717.

Previous trial of defendant ending in conviction—Trial extensively reported in press—Prejudice—Right to challenge for cause.
Reg. v. Kray, Lawton J. (1969) 53 Cr.App.R. 412.

Retirement—Escort to lavatory by jury bailiff—Prejudicial remarks by bailiff—Grave irregularity—Conviction quashed. **Reg. v. Brandon,** C.A. (1969) 53 Cr.App.R. 466.

Unanimity—No direction to jury of need for—Whether a non-direction.
Reg. v. Kalinsky (Practice Note), C.A. [1967] 1 W.L.R. 699.

Verdict—Alternative verdict—Not left to jury by judge—Jury told of alternative verdict by counsel for prosecution—No further direction which judge could have given—Whether open to jury to convict on alternative count—Verdict of not guilty on count in indictment—Defendants discharged—Subsequent verdict of guilty on alternative count open to jury—Whether discharge a nullity—When verdict complete.
Reg. v. Carter; Reg. v. Canavan, C.C.A. [1964] 2 Q.B. 1; [1964] 2 W.L.R 266.

———Different indictments—Different counts—Inconsistent verdicts—Quashing verdict of guilty—Whether facts material. **Reg. v. Andrews,** C.A. [1967] 1 W.L.R. 439.

———Rider—Reference by counsel or court to power of jury to add rider—Propriety of.
Reg. v. Black (Practice Note), C.C.A. [1963] 1 W.L.R. 1311.

———Unanimity—Juror present in court and hearing verdict—Affidavit of juror that verdict not unanimous—Whether admissible on appeal.
Reg. v. Roads, C.A. [1967] 2 Q.B. 108; [1967] 2 W.L.R. 1014.

Written notes handed by judge to jury during and after summing up—Necessity to show contents first to counsel. **Reg. v. Healey,** C.C.A. [1965] 1 W.L.R. 1059.

Legal aid

Committal proceedings—Murder—Whether representation to include counsel—Criminal Justice Act, 1967, ss. 73 (2), 74 (1) (2), 75 (1) (5).
Reg. v. Derby Justices, *Ex parte* **Kooner,** D.C. [1970] 3 W.L.R. 598.

Defendant unrepresented—Plea of guilty—Court contemplating heavy sentence—Court to offer defendant legal aid.
Reg. v. Serghiou (Practice Note), C.A. [1966] 1 W.L.R. 1611.

———————Court contemplating sentence of 30 months—Legal aid to be offered where circumstances require careful inquiry.
Reg. v. Green (Practice Note), C.A. [1968] 1 W.L.R. 673.

Plea of guilty by unrepresented defendant—Committal for sentence to quarter sessions—Record to disclose offer of legal aid or explanation why none made.
Reg. v. Hooper (Practice Note), C.A. [1967] 1 W.L.R. 657.

Refusal of—Defendant charged with serious offence—Dock brief—Selected counsel committed elsewhere—Brief returned—Defendant not represented at trial—Whether miscarriage of justice—Duty of court to grant full aid.
Reg. v. Howes, C.C.A. [1964] 2 Q.B. 459; [1964] 1 W.L.R. 576.

Plea. See NEMO DEBET BIS VEXARE.

Previous convictions or antecedents

Previous history of accused and convicted persons—Information to be given by police—Stage at which proof of evidence by police to be supplied to defence.
Practice Direction (Crime: Antecedents), C.C.A. [1966] 1 W.L.R. 1184.

Prosecutor's duty. (*See also* BARRISTER.)

Police informer—Use of—Court of trial not to be misled.
Reg. v. Birtles, C.A. [1969] 1 W.L.R. 1047.

Record

Quarter sessions—Plea of guilty to several charges—Committal for sentence to quarter sessions—Record to disclose details of charges dealt with.
Reg. v. Hooper (Practice Note), C.A. [1967] 1 W.L.R. 657.

Recording sentences

Sentence on more than one count—Whether concurrent or consecutive—Need for express entry on indictment.
Practice Direction (Passing Sentence), C.C.A. [1962] 1 W.L.R. 191.

CRIME—*continued.*

Practice—*continued.*

Separate trials. See **Evidence** (*System*).

Venue

Aiding and abetting causing death by dangerous driving—Driving of vehicle in dangerous condition from Scotland to England counselled and procured by owner and employer in Scotland—Death resulting from accident in England—Whether owner and employer triable in England for counselling and procuring death by dangerous driving.
Reg. v. Robert Millar (Contractors) Ltd., Fisher J. and C.A. [1970] 2 Q.B. 54; [1970] 2 W.L.R. 541.

Committal to quarter sessions—Remission to assizes—Need for quarter sessions to consult with assize judge before ordering trial at assizes.
Reg. v. Wilson, C.A. [1968] 1 Q.B. 832; [1967] 3 W.L.R. 810.

Unlawful arrest in Cambridge for unspecified offences—Subsequently told of drug offences—Held in custody in Norfolk on charge of handling stolen drugs—Committal to Norfolk Quarter Sessions—Indictment alleging possession of drugs in Cambridge—Jurisdiction—Whether defendant in lawful " custody "—Criminal Justice Act, 1925, s. 11 (1).
Reg. v. Kulynycz, C.A. [1970] 3 W.L.R. 1029.

Witness

Close of case for defence, called after—Two prosecution witnesses at committal proceedings not called at trial—One witness called by defence—Other witness called by judge—Identity—Matter not arising ex improviso during trial—Prosecution evidence not supplemented—Judge's desire to put all the evidence before the jury—Whether permissible. **Reg. v. Tregear**, C.A. [1967] 2 Q.B. 574; [1967] 2 W.L.R. 1414.

Conditional binding over—Copies of depositions supplied to defence counsel—To contain letters " C B O "—Form 23 to be attached—Magistrates' Courts (Forms) Rules, 1952, Sch., Form 23—Magistrates' Courts Rules, 1952, r. 12 (2) (*g*).
Practice Note (Witnesses Conditionally Bound Over), C.C.A. [1961] 1 W.L.R. 502.

Order of calling—Defendant to be called before other defence witnesses.
Reg. v. Smith (Joan) C.A. [1968] 1 W.L.R. 636.

Withdrawal of charge from—Whether proper to revise ruling—Indictment containing several counts—Alternative charges of larceny and receiving—No prosecution evidence that property stolen by defendant—Ruling that larceny count should not proceed—Recall of prosecution witness—Evidence relevant to larceny—Ruling withdrawing count reversed—Verdict taken on larceny count—Whether irregular.
Reg. v. Plain, C.A. [1967] 1 W.L.R. 565.

Witness called by prosecution at committal proceedings—Contradictory evidence given at adjourned committal proceedings—Witness's name on back of indictment—Witness present at trial but not called by prosecution—Whether prosecution have duty or discretion to call witness—Discretion of judge to call witness.
Reg. v. Oliva, C.C.A. [1965] 1 W.L.R. 1028.

Witness not called by either party—Discretion of judge to call witness—General rule of practice—Need for absence of injustice or prejudice to defendant and matter arising ex improviso—Court commenting during prosecution case and calling witness at end of case for defence—Necessity for recalling defendant and adducing further defence evidence—Whether grounds existing for departure from general rule of practice.
Reg. v. Cleghorn, C.A. [1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421.

Written statements to police

Preparation of prepared statement—Criminal Justice Act, 1967, ss. 2, 9.
Practice Direction (Evidence: Written Statements), C.A. [1969] 1 W.L.R. 1862.

Prevention of

Felony

Liberty to prevent—Fight—Wounding with intent—Whether sister entitled to assist sister with force—Whether plea of self-defence available.
Reg. v. Duffy, C.C.A. [1967] 1 Q.B. 63; [1966] 2 W.L.R. 229.

Prisons

Privileges

Appellant to Court of Criminal Appeal—Duty of Home Office officials—Duty of legal advisers. **Reg. v. De Courcy (Practice Note)**, C.C.A. [1964] 1 W.L.R. 1250.

Procuration

Frustrated

Procuring girl under 21 to have sexual intercourse—No sexual intercourse in fact—Whether " procuring "—Sexual Offences Act, 1956, s. 23.
Reg. v. Johnson (Gerald), C.C.A. [1964] 2 Q.B. 404; [1963] 3 W.L.R. 1031.

Prostitution. *See* VAGRANCY.

CRIME—*continued.*

Public mischief. *See* **Conspiracy.**

Public nuisance

Obstruction of the highway

Burden of proof—Indictment—Misdirection of acquittal by quarter sessions—Whether certiorari will lie. **Reg. v. Andrews,** *Ex parte* **Cheshunt Urban District Council,** Divl.Ct. (1962) 60 L.G.R. 211.

Incitement to commit nuisance by obstructing highway—Crowd obstructing street during political demonstration—Jury not told to consider whether reasonable user of highway —Whether a misdirection. **Reg. v. Clark (No. 2),** C.C.A. [1964] 2 Q.B. 315; [1963] 3 W.L.R. 1067.

Public order

Threatening or insulting words

Public place—Dispute in street between individuals living in the same locality—Whether within the ambit of the statute—Public Order Act, 1936, s. 5.
Ward v. Holman, Divl.Ct. [1964] 2 Q.B. 580; [1964] 2 W.L.R. 1313.

Whether likely to provoke breach of peace by speaker at public meeting—Audience of some 5,000—Group near speakers' platform intent on preventing meeting—Whether test of reasonable man applicable to audience—Whether characteristics of audience to be taken into account by speaker—Public Order Act, 1936, s. 5.
Jordan v. Burgoyne, Divl.Ct. [1963] 2 Q.B. 744; [1963] 2 W.L.R. 1045.

Race relations

" Distribute " written matter

Pamphlet reading " Blacks not wanted here " and " stop "—Leaving pamphlets on door and porch of Member of Parliament's house with members of family inside—Members of public coming on scene—Whether distribution to Member of Parliament—Whether distribution to " public at large "—Whether distribution " with intent to stir up hatred "—" Section of . . . public not consisting exclusively of members of an association of which the person publishing or distributing is a member "—Race Relations Act, 1965, s. 6 (1) (2). **Reg. v. Britton,** C.A. [1967] 2 Q.B. 51; [1967] 2 W.L.R. 537.

Intent to stir up hatred

Words used at public meeting—West Indian defendant claiming words used in sense different from sense understood by English people—Race Relations Act, 1965, s. 6 (1).
Reg. v. Malik, C.A. [1968] 1 W.L.R. 353.

Railway

Endangering safety of persons conveyed

Potential danger—Automatic signalling system unusable because of larceny of wire—System replaced by experienced signalman's hand signals—Disruption of trains but no collision or accident—Whether safety of passengers endangered or " caused to be endangered "—Whether accident or source of danger contemplated—Offences Against the Person Act, 1861, s. 34.
Reg. v. Pearce, C.A. [1967] 1 Q.B. 150; [1966] 3 W.L.R. 823.

Rape

Consent

Child under 16, of—Prosecution to prove physical resistance or that of sufficient understanding to decide whether to consent or resist—Insufficient understanding of child of six. **Reg. v. Howard,** C.C.A. [1966] 1 W.L.R. 13.

Complainant's character—Evidence of—Denial by complainant of allegations put in cross-examination—Defence rebutting denial—Whether evidence of prostitition by complainant admissible—Reasons for defence witness' knowledge of complainant's prostitution—Whether admissible—Statement by complainant tending to show her to be prostitute—Whether relevant to subject-matter of indictment—Criminal Procedure Act, 1865, s. 4. **Reg. v. Bashir,** Veale J. [1969] 1 W.L.R. 1303.

Corroboration

Conviction without corroboration—Duty of judge, sitting alone, to indicate clearly his appreciation of risk involved—Malaya.
Chiu Nang Hong v. Public Prosecutor, P.C. [1964] 1 W.L.R. 1279.

Indictment

Allegation of sexual intercourse with a girl aged 15—Whether alternative verdict of sexual intercourse with girl under 16 open—Relevance of allegation of age of victim—Criminal Law Act, 1967, s. 6 (3).
Reg. v. Fisher (Colin), Cusack J. [1969] 2 Q.B. 114; [1969] 2 W.L.R. 453.

Allegation of sexual intercourse without consent—No alternative count—Allegations proper to rape—Whether including allegation of unlawful sexual intercourse—Indecent assault —Criminal Law Act, 1967, s. 6 (3). **Reg. v. Mochan,** Cusack J. [1969] 1 W.L.R. 1331.

CRIME—*continued.*

Receiving

Abroad, property stolen

No proceedings against principal offender—Charge of receiving stolen property—Alternative count of possessing property stolen abroad—No proceedings in respect of actual theft—Whether properly charged with receiving—Whether proceedings against "principal offender" necessary pre-requisite to charge of possession of property stolen abroad—"Principal offender"—Larceny Act, 1916, s. 33 (1) (3) (4).
Reg. v. Smith, C.C.A. [1962] 2 Q.B. 317; [1962] 2 W.L.R. 1145.

Accessory before the fact to stealing

Whether capable of receiving the goods stolen—Party to conspiracy to steal—Conspirator not present or participating in theft—Whether properly convicted of receiving. **Reg. v. Froggett,** C.C.A. [1966] 1 Q.B. 152; [1965] 3 W.L.R. 602.

Definition

"Person . . . treated as receiving . . ."—Alteration in law by Act of 1967—Whether retroactive in effect—Larceny Act, 1916, s. 33 (1)—Criminal Law Act, 1967, ss. 4 (7), 12 (1). **Reg. v. Reah,** C.A. [1968] 1 W.L.R. 1508.

Evidence

Confession and explanation of possession by defendant on oath at abortive trial—Admissibility on retrial of evidence of defendant's confession and explanation—Weight to be attached—Defendant not giving evidence on retrial—Whether equal weight to be given to confession and explanation—Whether truth of statements for jury.
Reg. v. McGregor, C.A. [1968] 1 Q.B. 371; [1967] 3 W.L.R. 274.

Evidence of previous conviction—Evidence prejudicial to defendant on issue of identification of stolen money—Whether court has discretion to exclude—Larceny Act, 1916, s. 43 (1).
Reg. v. Herron, C.C.A. [1967] 1 Q.B. 107; [1966] 3 W.L.R. 374.

Evidence of previous convictions—Evidence prejudicial to accused on issue of possession—Whether court has discretion to exclude—Larceny Act, 1916, s. 43 (1).
Reg. v. List, Roskill J. [1966] 1 W.L.R. 9.

Possession—Goods found on premises—Defendant absent at time of delivery—Goods received by employee of defendant. **Reg. v. Cavendish,** C.C.A. [1961] 1 W.L.R. 1083.

Knowledge

"Pretty good idea" that goods stolen—Whether adequate direction.
Reg. v. Woods, C.A. [1969] 1 Q.B. 447; [1968] 3 W.L.R. 1192.

Possession

Control of stolen goods—Distinction between merely assisting and joint possession—Summing up—Duty of judge to point out distinction to jury.
Reg. v. Healey, C.C.A. [1965] 1 W.L.R. 1059.

Riot

Damages

Robbery at shop by four men—Whether "riotously and tumultuously" assembled—Whether tumultuous additional concept—"Tumultuously"—Riot (Damages) Act, 1886, s. 2 (1). **J. W. Dwyer Ltd. v. Metropolitan Police District Receiver,** Lyell J. [1967] 2 Q.B. 970; [1967] 3 W.L.R. 731.

Unlawful assembly

Constituent elements—Observations on sentence.
Reg. v. Caird, C.A. (1970) 54 Cr.App.R. 499.

Road traffic. *See* Road Traffic.

Robbery

"In the presence of" the victim

Whether actual physical presence necessary—Whether victim must be put in fear—Whether victim of violence sufficiently the custodian of property stolen.
Reg. v. Desmond; Reg. v. Hall, C.C.A. [1965] A.C. 960; [1964] 3 W.L.R. 1148; H.L.(E.) [1965] A.C. 960; [1965] 2 W.L.R. 894.

Threat to accuse of sodomy

Property handed over in fear—Whether robbery at common law—Necessity for proof of animus furandi at time of threat.
Reg. v. Pollock, C.C.A. [1967] 2 Q.B. 195; [1966] 2 W.L.R. 1145.

Self-defence

Assault by police

Right of self-defence.
Kenlin v. Gardiner, Divl.Ct. [1967] 2 Q.B. 510; [1967] 2 W.L.R. 129.

Felony, liberty to prevent

Wounding with intent—Assistance to sister in fight—Whether plea of self-defence available—Proper direction to jury.
Reg. v. Duffy, C.C.A. [1967] 1 Q.B. 63; [1966] 2 W.L.R. 229.

CRIME—*continued.*

Self-defence—*continued.*

Obligation to retreat

Extent. **Reg. v. Julien,** C.A. [1969] 1 W.L.R. 839.

Onus of proof

Assault occasioning actual bodily harm—Defendant claiming act of self-defence—Onus on prosecution to prove not legitimate self-defence.
Reg. v. Julien, C.A. [1969] 1 W.L.R. 839.

Sentence

Accessories

Murder—Accessories covering up for gang leaders—Exemplary sentence on leaders—Heavy sentences for active accessories.
Reg. v. Kray (Ronald), C.A. [1970] 1 Q.B. 125; [1969] 3 W.L.R. 831.

Approved school

Age of defendant—Young person remanded after conviction—Age of 17 attained during remand—Subsequent committal to approved school—Whether power to make order—Children and Young Persons Act, 1933, ss. 57, 107.
Hamlyn v. Pearce, Divl.Ct. [1962] 2 Q.B. 346; [1962] 3 W.L.R. 136.

Bail estreatment

Imprisonment in default of payment—Six months' consecutive to imprisonment on conviction of offence on indictment—Whether a "sentence"—Whether appropriate—Criminal Appeal Act, 1968, ss. 9, 50 (1).
Reg. v. Thayne, C.A. [1970] 1 Q.B. 141; [1969] 3 W.L.R. 480.

Borstal training

Appeal against—Information required by Court of Appeal.
Reg. v. Harris (Trevor) (Practice Note), C.A. [1969] 1 W.L.R. 1302.

Defendant absconding from borstal—Whether had "served" a previous sentence . . . of borstal training"—Criminal Justice Act, 1961, s. 3 (1) (3).
Reg. v. Hughes, C.A. [1968] 1 W.L.R. 560.

Defendant aged 20—Offence punishable on summary conviction with imprisonment—Committed to quarter sessions for sentence—Aged 21 when sentenced—Whether sentence proper—Magistrates' Courts Act, 1952, s. 28 (1).
Reg. v. Baxter, C.A. [1970] 1 W.L.R. 13.

——————Summary trial of indictable offence triable by quarter sessions—Committed for sentence—Aged 21 when sentenced—Whether sentence proper—Magistrates' Courts Act, 1952, s. 29.
Reg. v. Robinson (Robert) (Note), C.C.A. [1970] 1 W.L.R. 15.

Detention centre order—Magistrates unaware of further proceedings—Subsequent committal to quarter sessions for sentence—Sentence of borstal training—Power of quarter sessions to impose appropriate sentence. **Reg. v. Bevis,** C.A. (1969) 53 Cr.App.R. 297.

——————Sentence of borstal training for breach of probation order—Borstal training to supersede detention centre order—Probation reports recommending borstal training—Whether sentence proper—Criminal Justice Act, 1961.
Reg. v. Bingham, C.A. [1968] 1 W.L.R. 1836

Imprisonment in lieu of—Consecutive sentences—Young person—Sentences totalling more than three years—Whether power to aggregate sentences—Dangerous driving—Powers on committal to quarter sessions for sentence—Criminal Justice Act, 1961, ss. 3, 38 (4)—Magistrates' Courts Act, 1952, ss. 28, 29—Road Traffic Act, 1960, s. 2.
Reg. v. Scully, C.C.A. [1966] 1 W.L.R. 1294.

——————Defendant aged 20 sentenced to two years' imprisonment—Statutory prohibition against sentencing persons of borstal training age to imprisonment of more than six months and less than three years—Sentence subsequently altered to three years—Suitability for borstal training—Principles of sentencing offenders under 21—Criminal Justice Act, 1948, ss. 17 (1) (2) (3), 20—Criminal Justice Act, 1961, ss. 1 (2), 3 (1). **Reg. v. Lowe,** C.C.A. [1964] 1 W.L.R. 609.

——————Reasons to be stated—Failure to state reasons—Whether Borstal training to be substituted—Whether appropriateness of imprisonment for consideration on appeal—Criminal Justice Act. 1948, s. 17 (3).
Reg. v. Jackson (alias Rintoul), C.C.A. [1966] 1 W.L.R. 528.

Maximum sentence of 12 months' imprisonment—Obtaining credit by fraud—Whether borstal appropriate sentence—Debtors Act, 1869, s. 13 (1)—Criminal Justice Act, 1948, s. 20 (5)—Magistrates' Courts Act, 1952, s. 28.
Reg. v. Amos, C.C.A. [1961] 1 W.L.R. 308.

Sentence in Scotland to borstal training—Release on licence—Subsequent offences in England—Power of quarter sessions to order return to borstal—Criminal Justice Act, 1948, s. 29 (3) (*d*)—Criminal Justice Act, 1961, ss 12 (1), 38 (2).
Reg. v. Welsh, C.A. [1968] 1 Q.B. 702; [1968] 2 W.L.R. 31.

CRIME—*continued.*

Sentence—*continued.*

Children and young persons. See CHILDREN AND YOUNG PERSONS.

Co-defendants

Disparity of sentences—Whether sentences should compare—Inadequate sentence on one defendant—Whether ground for reduction of sentence on co-defendant.
Reg. v. Coe, C.A. [1968] 1 W.L.R. 1950.

Committal to quarter sessions under extended powers

Limit on jurisdiction of quarter sessions—Criminal Justice Act, 1967, s. 56.
Reg. v. Ward, C.A. (1968) 53 Cr.App.R. 23.

Compensation, order for. (See also Probation order.)

Whether a sentence. **Reg. v. Dorset Quarter Sessions,** *Ex parte* **Randall,** **Divl.Ct.** [1967] 2 Q.B. 222; [1967] 2 W.L.R. 25.

Concurrent sentences. (See also Preventive detention.)

More than one count—Whether sentence consecutive or concurrent—Express statement in court—Express entry on indictment.
Practice Direction (Passing Sentence), C.C.A. [1962] 1 W.L.R. 191.

Need to state expressly nature of sentences to convicted person—"Concurrent on each count" to be entered on indictment.
Practice Direction (Passing Sentence), C.C.A. [1962] 1 W.L.R. 191.

Conditional discharge

Breach—Practice—Criminal Justice Act, 1948, s. 8 (5) (6).
Reg. v. Stuart (Practice Note), C.C.A. [1964] 1 W.L.R. 1381.

Consecutive sentences

Conviction on two charges arising out of same facts—Whether consecutive sentences unreasonable. **Reg. v. Torr,** C.C.A. [1966] 1 W.L.R. 52.

Convictions on two indictments—Part of sentence on second indictment made consecutive to sentence on first indictment—Practice undesirable.
Reg. v. Gregory; Reg. v. Mills (Practice Note), C.A. [1969] 1 W.L.R. 455.

Life imprisonment—Subsequent consecutive sentence of 14 years' imprisonment—Validity.
Reg. v. Foy (Practice Note), C.C.A. [1962] 1 W.L.R. 609.

——————Whether life sentence consecutive to existing sentence of term of years permissible.
Jones v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Spying—Convictions on five counts of indictment—Separate and distinct offences—Sentences on two counts passed consecutively—Total of 21 years' imprisonment—Whether consecutive offences proper—Whether overall sentence too severe—Official Secrets Act, 1911, s. 1 (1) (*c*). **Reg. v. Britten,** C.A. [1969] 1 W.L.R. 152.

————Indictment containing five counts, each charging separate offence—Maximum penalty for offence 14 years—Three consecutive sentences of 14 years passed—Whether sentence too severe—Official Secrets Act, 1911, s. 1 (1) (*c*)—Prison Act, 1952, s. 27 (1).
Reg. v. Blake, C.C.A. [1962] 2 Q.B. 377; [1961] 3 W.L.R. 744.

Total sentence should not be excessive—Relevance to appeal on ground of disparity.
Reg. v. Bocskei, C.A. (1970) 54 Cr.App.R. 519.

Two terms of six months' imprisonment each—Whether sentences to be suspended—Criminal Justice Act, 1967, s. 39 (1) (3). **Reg. v. March,** C.A. [1970] 1 W.L.R. 998.

Conspiracy. See **Common law disdemeanour.**

Corrective training

Length of sentence—Open to sentencing court to impose sentence of two years' corrective training. **Practice Direction (Corrective Training),** C.C.A. [1961] 1 W.L.R. 463.

Proof of qualification for—Condition precedent—Previous convictions in Scotland—Criminal Justice Act, 1948, ss. 21 (1) (*b*), 23 (3).
Reg. v. Cavan, C.C.A. [1961] 1 W.L.R. 347.

Purpose of sentence—General rather than vocational training—Prison commissioners' report—Need for positive expression of opinion regarding suitability.
Practice Direction (Corrective Training: Preventive Detention), C.C.A. [1962] 1 W.L.R. 402.

Service of notice by police—Cases when service of notice not required—Criminal Justice Act, 1948, s. 23. **Practice Direction (Corrective Training: Preventive Detention) (No. 2),** C.C.A. [1966] 1 W.L.R. 1218.

CRIME—*continued.*

Sentence—*continued.*

Corrective training—continued.

Young craftsman showing tendency to varied crime—Previous sentences two short terms of imprisonment—Sentence of three years' corrective training—Whether appropriate.
Reg. v. Chipchase, C.C.A. [1962] 1 W.L.R. 291.

Curative element

Alcoholic—Suspended sentence activated—Trivial subsequent offence—Limitations on increasing sentence for purposes of treatment.
Reg. v. Moylan, C.A. [1970] 1 Q.B. 143; [1969] 3 W.L.R. 814.

Alcoholic convicted of larceny—No element of public protection—Long sentence for purposes of treatment inappropriate. **Reg. v. Ford,** C.A. [1969] 1 W.L.R. 1703.

Deportation order. (*See also* COMMONWEALTH IMMIGRANT.)

Principles applicable. **Reg. v. Caird,** C.A. (1970) 54 Cr.App.R. 499.

Detention in detention centre

Consecutive sentence of imprisonment—Whether proper.
Reg. v. Raisis, C.A. [1969] 1 W.L.R. 1805.

One such sentence previously served—Whether second sentence of detention appropriate.
Reg. v. Moore (Brian), C.A. [1968] 1 W.L.R. 397.

Deterrent

Exporting Bank of England notes—Whether offences meriting deterrent sentences.
Reg. v. Goswami, C.A. [1969] 1 Q.B. 453; [1968] 2 W.L.R. 1163.

Mail robbery—Organised banditry—Exceptionally serious crime—Exceptionally severe sentence merited—Whether 30 years' imprisonment excessive.
Reg. v. Boal, C.C.A. [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593.

Robbery with violence—Young offenders—Deterrent sentences.
Reg. v. Sheppard, C.A. (1970) 54 Cr.App.R. 383.

Shoplifting—Systematic course of conduct—Deterrent and punitive sentences.
Reg. v. Woodward, C.A. (1970) 54 Cr.App.R. 287.

Disqualification from driving. See ROAD TRAFFIC.

Disqualification of company director

Convictions on indictment—Fraud—Date from which disqualification runs—Companies Act, 1948, s. 188. **Reg. v. Bradley,** C.C.A. [1961] 1 W.L.R. 398.

Drugs

Deterrent sentence—Smuggling dangerous drugs—Young offender.
Reg. v. Daher, C.A. (1969) 53 Cr.App.R. 490.

Drug addict—Peddling drugs—Punishment for—Receiving stolen drugs—Drugs (Prevention of Misuse) Act, 1964, s. 1 (1).
Reg. v. Bond (Royston), C.A. (1968) 53 Cr.App.R. 109.

——————Possessing dangerous drugs—Heroin—Addict in need of treatment in custody—Form and length of sentence. **Reg. v. Glasse,** C.A. (1968) 53 Cr.App.R. 121.

Evidence of trafficking after conviction—Conditions of admissibility.
Reg. v. Robinson, C.A. (1969) 53 Cr.App.R. 314.

Unauthorised possession of—Heroin—Sentence—No special circumstances—Whether detention ordinarily called for in public interest—Dangerous Drugs (No. 2) Regulations, 1964, reg. 9—Dangerous Drugs Act, 1965, s. 13. **Reg. v. Fraser,** C.A. [1967] 1 W.L.R. 1291.

Exemplary record

Exacerbating circumstance—Contempt. **Crowley v. Brown,** C.A. [1964] 1 W.L.R. 147.

Extended sentence

Certificate—Scope of—Criminal Justice Act, 1967, s. 37.
Reg. v. Taylor (Douglas), C.A. (1969) 53 Cr.App.R. 493.

Notice—Court to put notice to prisoner—Criminal Justice Act, 1967, ss. 37, 38 (3).
Reg. v. Concannon (Practice Note), C.A. [1970] 1 W.L.R. 1159.

————Failure to specify qualifying convictions—Notice defective—Extended sentence invalid—Criminal Justice Act, 1967, ss. 37 (4), 38 (3).
Reg. v. Werle, C.A. (1969) 54 Cr.App.R. 283.

Principles to be applied when imposing an extended sentence—Criminal Justice Act, 1967, ss. 37 (2) (4), 59. **Reg. v. Goody,** C.A. [1970] 2 All E.R. 385n.

CRIME—*continued.*

Sentence—*continued.*

Extended sentence—continued.

Relevant considerations—Power of Court of Appeal—Criminal Justice Act, 1967, s. 37.
Reg. v. Duncuft, C.A. (1969) 53 Cr.App.R. 495.

Suspended sentence ordered to take effect consecutive to sentence imposed for current offence and total sentence certified as extended—Whether proper—Whether certificate to be corrected—Criminal Justice Act, 1967, s. 37 (2) (5).
Reg. v. Barrett, C.A. [1969] 1 W.L.R. 1336.

Extended term of imprisonment

Relevant considerations—Criminal Justice Act, 1967, s. 37.
Reg. v. Kenworthy, C.A. (1969) 53 Cr.App.R. 311.

Fine

Breach of probation order and conditional discharges by youth under 17 years of age—Conviction for subsequent offences—Sentence of borstal training—Duty of court to pass sentence for offence for which orders made—Suitability of nominal fine—Limits of nominal sentences on juveniles—Criminal Justice Act, 1948, s. 17 (1).
Reg. v. James (Practice Note), C.A. [1970] 1 W.L.R. 1304.

Fine in addition to suspended sentence—Whether good practice to impose fine in addition to suspended sentence—To be within offender's means to pay.
Reg. v. King, C.A. [1970] 1 W.L.R. 1016.

————————————Whether proper—Criminal Justice Act, 1967, s. 39—Criminal Law Act, 1967, s. 7 (3). **Reg. v. Leigh,** C.A. (1969) 54 Cr.App.R. 169.

Fine with term of imprisonment in default—Power of court to impose term in default consecutive to term of imprisonment imposed in respect of same offence.
Reg. v. Savundranayagan, C.A. [1968] 1 W.L.R. 1761.

Should not exceed offender's ability to pay.
Reg. v. Churchill (No. 2), C.C.A. [1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116.

Forgery

£5 notes—Possessing—Trafficker—Uttering one or two notes—Principle of sentencing.
Reg. v. Caughie, C.A. [1969] 1 W.L.R. 1700.

Future uncommitted offence

Sentence for present offences—Concurrent instead of consecutive sentences—Imposition determined by consideration of sentence for possible future offence—Whether wrong in principle. **Reg. v. Lycett (Practice Note),** C.A. [1968] 1 W.L.R. 1245.

Homicide

Conviction of capital murder and another offence—Suspension of sentence on other offence.
Practice Direction (Homicide: Indictment), C.C.A. [1964] 1 W.L.R. 1244.

Murder—Life imprisonment—Recommendation that sentence should not be less than 15 years—Whether appeal lies against recommendation—Murder (Abolition of Death Penalty) Act, 1965, s. 1 (2).
Reg. v. Aitken (Practice Note), C.C.A. [1966] 1 W.L.R. 1076.

Hospital order

Diminished responsibility—Safe mental hospital available—Sentence of life imprisonment—Whether wrong in principle—Whether Broadmoor detention under section 60 of Act of 1959 different from Broadmoor detention under section 72—Mental Health Act, 1959, ss. 60, 65, 72. **Reg. v. Cox (Maurice),** C.A. [1968] 1 W.L.R. 308.

Discretion—Diminished responsibility—Evidence that degree of mental incapacity most severe—Arrangement made for admission to local hospital—No evidence of vacancy in special hospital—Sentence of life imprisonment—Whether wrong in principle—Mental Health Act, 1959, s. 60. **Reg. v. Morris,** C.C.A. [1961] 2 Q.B. 237; [1961] 2 W.L.R. 986.

————Offender received as patient in mental hospital—Offender walking out of hospital and committing further offences—Duty of court in exercise of permissive power to make hospital orders—Mental Health Act, 1959, ss. 60, 65.
Reg. v. Higginbotham, C.C.A. [1961] 1 W.L.R. 1277.

Existing vacancy—No vacancy in particular region—Whether detention in different region may be ordered—Mental Health Act, 1959, s. 60.
Reg. v. Marsden (Practice Note), C.A. [1968] 1 W.L.R. 785.

Insufficient medical evidence at court of trial—Prison sentence—Subsequent order under Mental Health Act, 1959, s. 72—Fresh medical evidence before appellate court—Whether court may act on such evidence—Whether hospital can exceed period of prison sentence—Criminal Appeal Act, 1966, s. 4 (2)—Criminal Justice Act, 1967, s. 97 (7).
Reg. v. Bennett, C.A. [1968] 1 W.L.R. 988.

CRIME—*continued.*

Sentence—*continued.*

Hospital order—continued.

Restriction order—Appeal—Function of court—Mental Health Act, 1959, ss. 60, 65, 66.
Reg. v. McNaney, C.A. [1969] 1 W.L.R. 623.

————————Effect—When necessary to consider making both orders—Record of violence or mental disorder involving violence—Necessity for restriction order—Mental Health Act, 1959, ss. 60, 65. **Reg. v. Gardiner,** C.A. [1967] 1 W.L.R. 464.

Imprisonment

"Extended term of imprisonment"—Meaning—Whether extension beyond maximum sentence for offence—Extent—Limitation and definition of—Certificate that extended term imposed—Whether grantable if term imposed less than authorised maximum for offence—Treatment of offenders—Release on licence—Criminal Justice Act, 1967, ss. 37 (2) (3) (5), 60. **Reg. v. Ottewell,** C.A. [1969] 1 Q.B. 27; [1968] 2 W.L.R. 1536.
H.L.(E.) [1970] A.C. 642; [1968] 3 W.L.R. 621.

Immediate imprisonment appropriate—Six months' sentence ordered overlooking mandatory suspension requirements—Sentence corrected to more than six months' imprisonment—Whether proper—Criminal Justice Act, 1967, s. 39 (3).
Reg. v. Newsome, C.A. [1970] 2 Q.B. 711; [1970] 3 W.L.R. 586.

Immediate sentence of imprisonment—Currently on probation and subject to suspended sentence of imprisonment—Whether satisfactory—Whether court should interfere.
Reg. v. Wood, C.A. (1968) 53 Cr.App.R. 305.

Period of—Escape of prisoner—Apprehension and committal to prison abroad—Whether period spent abroad not to be taken into account in computing detention—Whether actual period of liberty—"Unlawfully at large"—Prison Act, 1952, s. 49 (2) (*a*).
Reg. v. Governor of Leeds Prison, *Ex parte* **Stafford,** Divl.Ct.
[1964] 2 Q.B. 625; [1964] 2 W.L.R. 731.

Six month term—Committal in default taken into account—Whether sentence to be suspended—Criminal Justice Act, 1967, ss. 39 (1) (3), 104 (1).
Reg. v. Nixon (Johnson), C.A. (1969) 54 Cr.App.R. 179.

Infant. See CHILDREN AND YOUNG PERSONS.

Life sentence

Manslaughter—Principles applicable—Long sentence for protection of public—Possibility of change in offender's condition requiring review—Inappropriate in absence of such condition—Determinate sentence to be imposed.
Reg. v. Picker, C.A. [1970] 2 Q.B. 161; [1970] 2 W.L.R. 1038.

Possibility of remission not taken into account—Deportation order inappropriate.
Reg. v. Assa Singh, C.C.A. [1965] 2 Q.B. 312; [1965] 2 W.L.R. 774.

Offences "taken into consideration"

Proper procedure. **Reg. v. Nelson,** C.A. [1967] 1 W.L.R. 449.

Parole Board

Arson—Seven years' imprisonment—Need for psychiatric treatment—Possibility of parole if treatment successful—Whether reference improper—Whether sentence appropriate.
Reg. v. Cash, C.A. (1969) 53 Cr.App.R. 483.

Wounding with broken bottle when drunk—Three years' imprisonment—Possibility of favourable review by board—No delegation of court's powers.
Reg. v. Eaton, C.A. (1968) 53 Cr.App.R. 118.

Plea

Guilty—Whether mitigating factor—Crime—Sentence—Plea—Not guilty—Whether warrants severer sentence.
Reg. v. Harper; Reg. v. De Haan, C.A. [1968] 2 Q.B. 108; [1968] 2 W.L.R. 626.

Postponement

Remand on bail—Opportunity to defendant to assist police to recover stolen property—Course not to be followed. **Reg. v. Collins,** C.A. (1969) 53 Cr.App.R. 385.

Preventive detention

Consecutive sentences—Second sentence imposed during currency of first—Whether valid.
Reg. v. Lake, C.C.A. [1961] 1 W.L.R. 517.

Dangerous driving—Record of previous convictions and sentences for offences other than dangerous driving—Whether preventive detention appropriate for protection of public.
Reg. v. Higginbotham, C.C.A. [1961] 1 W.L.R. 1277.

Offence out of character with previous offences—Public in need of protection—Whether preventive detention appropriate. **Reg. v. Crehan,** C.C.A. [1962] 1 W.L.R. 293.

CRIME—*continued.*

Sentence—*continued.*

Preventive detention—continued.

Proof of qualification for—Condition precedent—Previous convictions in Scotland—Criminal Justice Act, 1948, ss. 21 (2) (*b*), 23 (3).
Reg. v. Clarkson, C.C.A. [1961] 1 W.L.R. 347.

Service of notice by police—Cases when service of notice not required—Criminal Justice Act, 1948, s. 23.
Practice Direction (Corrective Training: Preventive Detention) (No. 2), C.C.A. [1966] 1 W.L.R. 1218.

When to be imposed.
Practice Direction (Corrective Training: Preventive Detention), C.C.A. [1962] 1 W.L.R. 402.

Probation order

Breach—Charge of—Procedure on arraignment—Desirability of putting breach to defendant and asking if facts admitted.
Reg. v. Holmes (Practice Note), C.C.A. [1965] 1 W.L.R. 1512.

————Conviction for another offence—Duty of court to pass sentence for original offence for which probation order made—Undesirable consequences if no sentence imposed—Criminal Justice Act, 1948, s. 8 (6).
Reg. v. Calvert (Practice Note), C.C.A. [1963] 1 W.L.R. 151.

————Fresh probation order—Whether to be made without proper reflection.
Reg. v. Thompson (Robert Clive), C.A. [1968] 1 W.L.R. 1538.

————Whether sentence should be consecutive—Whether more than nominal—Appropriate sentence when borstal training imposed for substantive offence—Quarter sessions—Practice when original order made by magistrates' court—Criminal Justice Act, 1948, s. 8 (5) (6). **Reg. v. Stuart (Practice Note),** C.C.A. [1964] 1 W.L.R. 1381.

Compensation order made by magistrates at same time as probation order—Breach of probation order—Offender committed to quarter sessions for sentence for original offence—Sentence of imprisonment—Probation order ceases to have effect—Whether compensation order also ceases to have effect—Criminal Justice Act, 1948, ss. 5 (4), 6, 11 (2).
Reg. v. Evans, C.C.A. [1963] 1 Q.B. 979; [1961] 2 W.L.R. 213.

Extension—Concurrent with immediately effective sentence of imprisonment—Order wrong in principle—Criminal Justice Act, 1948, ss. 5 (1), 80 (1), Sch. 1, art. 5.
Reg. v. Emmett, C.A. (1968) 53 Cr.App.R. 203.

Suspended sentence of imprisonment—Whether to be passed instead of making probation order—Plea by probation officer against imprisonment and doctor recommending hospital investigation—Whether suspended sentence wrong in principle—Proper course for court—Whether to have defendant examined and if medical treatment required to make order with condition under section 4 of Act of 1948—Criminal Justice Act, 1948, s. 4—Criminal Justice Act, 1967, s. 39. **Reg. v. O'Keefe,** C.A. [1969] 2 Q.B. 29; [1969] 2 W.L.R. 77.

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Reg. v. Gibbs, C.C.A. [1965] 2 Q.B. 281; [1964] 3 W.L.R. 1272.

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Reg. v. Furlong, C.C.A. [1962] 2 Q.B. 161; [1962] 2 W.L.R. 796.

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Reg. v. Hughes (Edward), C.A. (1968) 53 Cr.App.R. 125.

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Consecutive sentences—Suspended on same occasion—Order to take effect—Criminal Justice Act, 1967, ss. 39 (1) (2), 104 (2). **Reg. v. Gall,** C.A. (1970) 54 Cr.App.R. 292.

Defendant of borstal age—Suspended sentence six months' imprisonment—Subsequent sentence six months' imprisonment—Order that suspended sentence to take effect commencing at expiration of term then being served—Whether order valid—Criminal Justice Act, 1967, s. 40 (1)—Criminal Justice Act, 1961, s. 3.
Reg. v. Lamb (Alan Peter), C.A. [1968] 2 Q.B. 829; [1968] 3 W.L.R. 833.

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Further offence during period of suspension — Duty of court to deal with suspended sentence—Powers of Court of Appeal—Criminal Justice Act, 1967, s. 40 (1)—Criminal Appeal Act, 1968, s. 11 (4). **Reg. v. Gordon (James),** C.A. (1969) 53 Cr.App.R. 307.

————————————Extended sentence of imprisonment imposed—Whether order bringing into force suspended sentence should be consecutive to extended sentence—Criminal Justice Act, 1967, s. 37 (2).
Reg. v. Wilkinson, C.A. [1970] 1 Q.B. 123; [1969] 3 W.L.R. 655.

————————————Whether consideration of suspended sentence proper before sentencing for further offence—When order bringing into force suspended sentence can be concurrent—Criminal Justice Act, 1967, s. 40 (1).
Reg. v. Ithell, C.A. [1969] 1 W.L.R. 272.

Further offences during operational period — Extended sentence imposed — Whether suspended sentence to be part of extended sentence—Criminal Justice Act, 1967, s. 37 (2) (5). **Reg. v. Barrett,** C.A. [1969] 1 W.L.R. 1336.

————————————Probation order made — Whether suspended sentence could be brought into operation—Criminal Justice Act, 1948, s. 12 (1)—Criminal Justice Act, 1967, s. 39 (1.)
Reg. v. Tarry, C.A. [1970] 2 Q.B. 560; [1970] 2 W.L.R. 1034.

Further suspended sentence during operational period of first—Whether proper to order that suspended sentences be concurrent or consecutive—Whether order to be made at time sentences implemented—Criminal Justice Act, 1967, s. 40 (1).
Reg. v. Blakeway, C.A. [1969] 1 W.L.R. 1233.

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————————Nature of subsequent offence—Defendant's character and background—Whether matter for consideration—Criminal Justice Act, 1967, s. 40 (1).
Reg. v. Griffiths (William), C.A. [1969] 1 W.L.R. 896.

————————Suspended sentence of 18 months for larceny—Trivial subsequent offence involving drunkenness—Activation of original term unaltered—Curative element —Suitability of sentence—Court of Appeal's discretion to interfere—Criminal Justice Act, 1967, s. 40 (1) (*a*) (*b*).
Reg. v. Moylan, C.A. [1970] 1 Q.B. 143; [1969] 3 W.L.R. 814.

Possession of firearms "before . . . expiration of five years from . . . date of . . . release"—Whether "release" from actual custody or from liability to imprisonment—Firearms Act, 1968, s. 21 (2)—Criminal Justice Act, 1967, s. 39 (9) (*a*).
Reg. v. Fordham, Mocatta J. [1970] 1 Q.B. 77; [1969] 3 W.L.R. 317.

Substitution on appeal from sentence of imprisonment—Consideration of time spent in custody pending appeal—Criminal Justice Act, 1967, s. 67 (1).
Practice Direction (Crime: Suspended Sentence), C.A. [1970] 1 W.L.R. 259.

Three consecutive sentences of five months' imprisonment—Mandatory suspension—Appropriate sentence 15 months' imprisonment—No power to vary sentence on appeal—Criminal Justice Act, 1967, s. 39 (3)—Criminal Appeal Act, 1968, s. 11 (3).
Reg. v. Taylor (Robert), C.A. (1968) 53 Cr.App.R. 175.

Two consecutive sentences of six months—Whether sentences required to be suspended—"One offence"—Criminal Justice Act, 1967, ss. 39 (3), 104.
Reg. v. Flanders, C.A. [1969] 1 Q.B. 148; [1968] 3 W.L.R. 873.

Two consecutive sentences of two years—"Single term"—Whether power to suspend—Criminal Justice Act, 1967, ss. 39 (1), 104 (2).
Reg. v. Coleman, C.A. [1969] 2 Q.B. 468; [1969] 3 W.L.R. 89.

Two suspended sentences passed on same occasion—Whether proper to order suspended sentences to be concurrent or consecutive—Criminal Justice Act, 1967, ss. 39, 40.
Reg. v. Wilkinson (George), C.A. [1970] 1 W.L.R. 1319.

When to be passed—Whether prior elimination necessary of possible alternatives such as discharge, probation order or fine—Whether for court to decide on imprisonment and ask itself whether immediate imprisonment required or suspended sentence to be passed.
Reg. v. O'Keefe, C.A. [1969] 2 Q.B. 29; [1969] 2 W.L.R. 77.

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Sex

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"Persistently"—One invitation to boy—"Hello" said to youth—Evidence that "hello" said to same youth on previous day when an offer to show indecent photographs—Whether evidence of importuning youth on second day—Whether two invitations on second day—Sexual Offences Act, 1956, s. 32.
Dale v. Smith, Divl.Ct. [1967] 1 W.L.R. 700.

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  Sex—*continued.*
    Unlawful sexual intercourse
      Girl under 16—Girl of 13 married to man aged 26—Whether husband having sexual intercourse committing offence—Sexual Offences Act, 1956, s. 6 (1).
        Alhaji Mohamed v. Knott, Divl.Ct. [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446.

      ——————Whether allegation of indecent assault necessarily included—Inserting finger into girl's vagina admitted—Discretion to leave lesser offence to jury—Criminal Law Act, 1967, s. 6 (3). **Reg. v. McCormack,** C.A. [1969] 3 W.L.R. 175.

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    Circumstances calculated to arouse suspicion
      Limited evidence against one of three defendants—Necessity for warning to jury—Reference to be made to defendant's denials.
        Rakar v. The Queen, P.C. [1967] 1 A.C. 241; [1966] 3 W.L.R. 986.

    Counsel's duty to intervene
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        Reg. v. Southgate (Practice Note), C.C.A. [1963] 1 W.L.R. 809.

    Defence first disclosed at trial
      Alibi—Suggestion of inconceivability of innocent man not making earlier disclosure of alibi if true—Whether misdirection. **Reg. v. Hoare,** C.C.A. [1966] 1 W.L.R. 762.

    Depositions
      Reference to evidence given in deposition—No evidence at trial on that point—Impropriety.
        Reg. v. Thompson, C.C.A. [1966] 1 W.L.R. 405.

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        Reg. v. Healey, C.C.A. [1965] 1 W.L.R. 1059.

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      Unanimity—Majority verdicts—Procedure to be followed—Practice Direction (Crime: Majority verdicts). **Reg. v. Georgiou,** C.A. (1969) 53 Cr.App.R. 428.

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      Short trial on simple facts—Whether proper course.
        Reg. v. Attfield, C.C.A. [1961] 1 W.L.R. 1135.

    Misdirection
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        Reg. v. Moon, C.A. [1969] 1 W.L.R. 1705.

    Murder
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        Reg. v. Cascoe, C.A. [1970] 2 All E.R. 833; 54 Cr.App.R. 401.

    Object of
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        Reg. v. Mowatt, C.A. [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192.

    Onus of proof
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        Walters v. The Queen, P.C. [1969] 2 A.C. 26; [1969] 2 W.L.R. 60.

      Prosecution evidence calling for explanation by defence—Jury directed that presumption of guilt raised in absence of explanation—Misdirection.
        Reg. v. Bradbury, C.A. [1969] 2 Q.B. 471; [1969] 2 W.L.R. 615.

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      Corroboration—Issue of identity—Whether warning to jury of danger of convicting without corroboration of complainant's evidence necessary—Whether use of word "corroboration" essential—Whether particular form of word necessary—Jury directed to consider case on scientific evidence disregarding complainant—Whether sufficient.
        Reg. v. O'Reilly, C.A. [1967] 2 Q.B. 722; [1967] 3 W.L.R. 191.

CRIME—*continued.*

Summing up—*continued.*

Words to be avoided

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Reg. v. Culbertson, C.A. (1970) 54 Cr.App.R. 310.

Theft

Dishonest appropriation

Apparent consent—Taxi driver taking excessive fare from foreigner—Whether consent to appropriation—Property obtained by deception—Whether defendant correctly charged —Theft Act, 1968, ss. 1 (1), 15 (1).
Reg. v. Lawrence (Alan), C.A. [1970] 3 W.L.R. 1103.

Handling stolen goods

Assisting in retention—Failure to inform police—Defendant's flat searched—Denial of knowledge of stolen goods—Police told "Get lost"—Stolen goods subsequently found in flat—Whether failure to inform police amounting to "dishonestly . . . assists in their retention"—Strong evidence that defendant knew goods stolen—Proper direction to jury —Theft Act, 1968, s. 22 (1).
Reg. v. Brown, C.A. [1970] 1 Q.B. 105; [1969] 3 W.L.R. 370.

Informations charging handling goods knowing them to be stolen—No allegation that handling dishonest—No indication as to form of handling—Whether section constituted more than one offence—Whether informations void for duplicity—Theft Act, 1968, s. 22.
Griffiths v. Freeman, D.C. [1970] 1 W.L.R. 659.

Information

Information charging accused with stealing specified articles—Proof that accused stole some of specified articles—Whether necessary for prosecution to prove all articles specified in information to have been stolen—Theft Act, 1968, s. 9.
Machent v. Quinn, D.C. [1970] 2 All E.R. 255.

Obtaining pecuniary advantage by deception

Cash bet accepted by betting shop—Slow count of money—Result of race apparent—Defendants leaving without handing over stake money—Whether deception involving representation of intention to pay immediately by evasion of debt—Theft Act, 1968, ss. 15 (4), 16. **Reg. v. Aston,** C.A. [1970] 1 W.L.R. 1584.

Hiring taxi and agreeing to pay fare—Money said to be forthcoming from third party—No payment—Whether obtaining "dishonestly"—Whether test of dishonesty subjective or objective—Theft Act, 1968, s. 16 (1).
Reg. v. Waterfall, C.A. [1970] 1 Q.B. 148; [1969] 3 W.L.R. 947.

Obtaining property by deception

False representation acting on mind of purchaser—Onus of proof.
Reg. v. Laverty, C.A. [1970] 3 All E.R. 432; 54 Cr.App.R. 495.

Partnership property

Whether one partner can be guilty of theft of partnership property—Theft Act, 1968, s. 1 (1). **Reg. v. Bonner,** C.A. [1970] 1 W.L.R. 838.

Vagrancy. *See* VAGRANCY.

Vicarious liability

Absolute offence

Road traffic—Road service licence—Failure to comply with condition—Road Traffic Act, 1960, s. 134 (3).
G. Newton Ltd. v. Smith, Divl.Ct. [1962] 2 Q.B. 278; [1962] 2 W.L.R. 926.

Knowledge

Company servant allowing overladen vehicle to leave company's weighbridge—Whether company guilty of aiding and abetting—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 68—Road Traffic Act, 1960, s. 64.
John Henshall (Quarries) Ltd. v. Harvey, Divl.Ct. [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758.

Delegation—"Knowingly" selling liquor—Control of club delegated to manager—Whether knowledge of manager to be imputed to licence-holder—Licensing Act, 1964, s. 161 (1).
Reg. v. Winson, C.A. [1969] 1 Q.B. 371; [1968] 2 W.L.R. 113.

"Permit" an offence—No evidence of actual knowledge—Imputed knowledge—No evidence of shutting of eyes to obvious or not caring—Whether knowledge imputable—Employed person driving in excess of lawful periods—Road Traffic Act, 1960, s. 73 (1) (*c*) (ii). **Grays Haulage Co. Ltd. v. Arnold,** Divl.Ct. [1966] 1 W.L.R. 534.

Sale by servant—Whether knowledge to be imputed to master—"Knowingly" selling liquor to non-members of club.
Ross v. Moss, Divl.Ct. [1965] 2 Q.B. 396; [1965] 3 W.L.R. 416.

———————————— "Knowingly" selling liquor to persons not ordering meal.
Vane v. Yiannopoullos, Divl.Ct. [1964] 2 Q.B. 739; [1964] 2 W.L.R. 1335.
H.L.(E.) [1965] A.C. 486; [1964] 3 W.L.R. 1218.

CROWN. (*See also* CROWN PROCEEDINGS.)

Allegiance to

Ordinary residence in England

Travel document giving stateless person right to return to United Kingdom—Whether allegiance owed to Crown—Whether infant entitled to protection of Crown.
In re **P. (G. E.) (An Infant),** C.A. [1965] Ch. 568; [1965] 2 W.L.R. 1.

Usurpation

Colony—Southern Rhodesia—Usurping government in effective control—Temporary allegiance not owed to usurping government—Applicability of doctrine of necessity—Statute of Treason, 1495.
Madzimbamuto v. Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

Contract. (*See also* CONTRACT (**Public authority, by**).)

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Fair Wages Resolution of 1946—Construction—Reference to "independent tribunal."
Reg. v. Industrial Court, *Ex parte* **A.S.S.E.T.,** Divl.Ct. [1965] 1 Q.B. 377; [1964] 3 W.L.R. 680.

Joinder

Proceedings between subjects

Whether jurisdiction to join "as necessary party"—Crown consenting and one party objecting—Fiscal issue—R.S.C., Ord. 15, r. 6 (2) (*b*).
In re **Vandervell's Trusts,** C.A. [1970] Ch. 44; [1969] 3 W.L.R. 458.
H.L.(E.) [1970] 3 W.L.R. 452.

Minister

Confirmation of order, by

Statement of reasons—Objection to building preservation order—Necessity for clear statement of Minister's view—Tribunals and Inquiries Act, 1958, s. 12.
Iveagh v. Minister of Housing and Local Government, C.A. [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974.

Statutory power

Refusal of order relating to light railway—"Duty" to consider public interest—Rival road and rail claims—Level crossings—Whether powers given to Minister by one statute can be used by that Minister acting under another statute—Whether powers limited to granting or refusing order connected with transfer of railway—Light Railways Act, 1896, ss. 7, 8, 9, 24—Ministry of Transport Act, 1919, s. 2—Railways Act, 1921, s. 68. **Rother Valley Railway Co. Ltd. v. Ministry of Transport,** Megarry J. [1970] 2 W.L.R. 1041.

Minister, determination by

Delegation of responsibility

Approval of "breath test" device—Decision by official to approve for Secretary of State—Whether matter of delegation—Whether approval proper.
Reg. v. Skinner, C.A. [1968] 2 Q.B. 700; [1968] 3 W.L.R. 408.

Whether determination valid—Fugitive offender—Consideration by House of Commons as to return—Fugitive Offenders Act, 1881, s. 6.
Reg. v. Governor of Brixton Prison, *Ex parte* **Enahoro,** Divl.Ct. [1963] 2 Q.B. 455; [1963] 2 W.L R. 1260.

Statement of reasons

Confirmation of order—Objection to building preservation order—Principles of construction and submissions raised at public inquiry—Necessity for clear statement of Minister's view—Tribunals and Inquiries Act, 1958, s. 12.
Iveagh (Earl) v. Minister of Housing and Local Government, Megaw J. [1962] 2 Q.B. 147; [1961] 3 W.L.R. 708.

Whether subject to review by courts

Case stated—Superannuation—Minister's determination that engineer not "employee" of local authority—Inference from terms of contract—Whether question of fact or law—Jurisdiction of court to consider—Local Government Superannuation Act, 1937, ss. 35, 40 (1).
Morren v. Swinton and Pendlebury Borough Council, Divl.Ct. [1965] 1 W.L.R. 576.

Deportation order—Bona fides—Aliens Order, 1953, art. 20 (2) (*b*).
Reg. v. Governor of Brixton Prison, *Ex parte* **Soblen,** John Stephenson J. and C.A. [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154.

If "it appears to him"—Right of Governor to dismiss Premier if he no longer commands "the support" of a majority—Evidence of support.
Adegbenro v. Akintola, P.C. [1963] A.C. 614; [1963] 3 W.L.R. 64.

Local Government Commission — Decision — Acceptance by Minister — Judicial or administrative act.
Wednesbury Corpn. v. Ministry of Housing and Local Government (No. 2), C.A. [1966] 2 Q.B. 275; [1965] 3 W.L.R. 956.

Marketing scheme—Complaint—Reference to committee of investigation—Discretion of Minister—Limitation—Public interest—Agricultural Marketing Act, 1958, s. 19.
Padfield v. Minister of Agriculture, Fisheries and Food, C.A. and H.L.(E.) [1968] A.C. 997; [1968] 2 W.L.R. 924.

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Minister, determination by—*continued.*

Whether subject to review by courts—continued.

Minister's decision "shall be final"—Dismissal of chief constable by watch committee—Dismissal of appeal by Minister—Watch committee's decision alleged void—Police (Appeals) Act, 1927.
Ridge v. Baldwin, Streatfeild J. [1963] 1 Q.B. 539; [1961] 2 W.L.R. 1054.
C.A. [1963] 1 Q.B. 539; [1962] 2 W.L.R. 716.
H.L.(E.) [1964] A.C. 40; [1963] 2 W.L.R. 935.

Regulation ousting jurisdiction of court—Whether valid—Determination of commissioners of tax due "deemed to be the proper tax due"—Purchase Tax Regulations, 1945, reg. 12. **Comrs. of Customs and Excise v. Cure & Deeley Ltd.,**
Sachs. J. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798.

What is a "house"? **Ashbridge Investments Ltd. v. Minister of Housing and Local Government,** C.A. [1965] 1 W.L.R. 1320.

Prerogative

Act of state

Foreign territory—British troops part of truce force maintaining peace in Cyprus—Occupation of hotel belonging to British subject—British troops later becoming contingent of United Nations Peace-keeping Force—Continued occupation—Claim for compensation—Damage to property—Trespass—Whether occupation act of state—Whether act of state valid defence against British subject. **Nissan v. Attorney-General,**
John Stephenson J. [1968] 1 Q.B. 250; [1967] 3 W.L.R. 109.
C.A. [1968] 1 Q.B. 250; [1967] 3 W.L.R. 1044.
H.L.(E.) [1970] A.C. 179; [1969] 2 W.L.R. 926.

Income tax

Immunity—British Broadcasting Corporation—Whether servant or agent of Crown—Income Tax Act, 1952, s. 122 (Schedule D) (1) (*a*) (i) (ii).
British Broadcasting Corpn. v. Johns, C.A. [1965] Ch. 32; [1964] 2 W.L.R. 1071.

Monopoly

Broadcasting—British Broadcasting Corporation—Whether Crown entitled to monopoly.
British Broadcasting Corpn. v. Johns, C.A. [1965] Ch. 32; [1964] 2 W.L.R. 1071.

Passport

Issue of—Royal prerogative, issue by virtue of—British passport issued in name of British Crown in dependent colony—Whether "'United Kingdom passport' issued . . . by the Government of the United Kingdom"—Commonwealth Immigrants Act, 1962, s. 1.
Reg. v. Secretary of State for Home Department, *Ex parte* **Bhurosah,**
Divl.Ct. and C.A. [1968] 1 Q.B. 266; [1967] 3 W.L.R. 1259.

Patents

Bibles—Whether extends to bibles with copyright subsisting—Whether extends to breach of copyright and to license such breach.
Universities of Oxford and Cambridge v. Eyre & Spottiswoode Ltd.,
Plowman J. [1964] Ch. 736; [1963] 3 W.L.R. 645.

Peerage

Proof of succession—Election Court—Jurisdiction—Fact of succession to peerage—Determination by issue of writ of summons on behalf of Crown—Writ of summons best evidence—Fact of succession in absence of writ of summons cognisable.
In re **Parliamentary Election for Bristol South East,** Election Ct.
[1964] 2 Q.B. 257; [1961] 3 W.L.R. 577.

Protectorate

Settled colony—Statute, application of—Grant of constitution with representative legislature to settled colony and protectorate by Order in Council—Order made in exercise of statutory powers "and all other powers enabling" Her Majesty in Council "in that behalf"—No reservation of constituent powers to Crown—Power to legislate reserved to Crown—Elections to representative legislature invalidated by use of unauthorised register of voters—Representative government unable to function—Retrospective validation of elections by Order in Council—Whether retrospective validation in excess of powers of Crown conferred by statute—Whether royal prerogative surviving statutory power to "make, and when made to alter and revoke, Orders for the purposes of this Act"—British Settlements Act, 1887, ss. 2, 5—Foreign Jurisdiction Act, 1890, s. 10.
Sabally and N'Jie v. Attorney-General, C.A. [1965] 1 Q.B. 273;
[1964] 3 W.L.R. 732.

Safety of State

Evidence as to interests of State—Challenge of policy—Evidence by Crown witness that defendants' plan to enter prohibited place prejudicial to State—Judge's refusal to allow cross-examination and evidence as to defendants' intention and to challenge policy of Crown—Whether judge right in so ruling—Official Secrets Act, 1911, s. 1 (1).
Chandler v. Director of Public Prosecutions, H.L.(E.) [1964] A.C. 763;
[1962] 3 W.L.R. 694.

CROWN—*continued.*

Prerogative—*continued.*

Statute, application to

Crown as parens patriae—Wardship jurisdiction of Chancery Division—Whether restricted by Children Act, 1948. *In re* **M. (An Infant),** C.A. [1961] Ch. 81, 328; [1961] 2 W.L.R. 350.
In re **G. (Infants),** Ungoed-Thomas J. [1963] 1 W.L.R. 1169.

———————————— Whether restricted by Education Act, 1944.
In re **Baker (Infants),** Pennycuick J. [1961] Ch. 303; [1961] 2 W.L.R. 626.
In re **B. (Infants),** C.A. [1962] Ch. 201; [1961] 3 W.L.R. 694.

Territorial waters

Extent, right to declare—Date for determining extent of territorial waters—Whether restricted to date of Act—Wireless Telegraphy Act, 1949 ss. 1 (1), 6 (1), 14 (7)—Territorial Waters Order in Council, 1964, arts. 2 (1) (2), 5 (1).
Post Office v. Estuary Radio Ltd., C.A. [1968] 2 Q.B. 740; [1967] 1 W.L.R. 1396.

————————Whether abrogated—Whether subsequent prerogative act ultra vires—Territorial Waters Jurisdiction Act, 1878, ss. 2, 5, 7—Wireless Telegraphy Act, 1949, ss. 1 (1), 6 (1), 14 (1)—Territorial Waters Order in Council, 1964, arts. 2 (1) (2), 5 (1).
Reg. v. Kent Justices, *Ex parte* **Lye,** Divl.Ct. [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765.

War

Destruction of private property—Order of commanding officer of army—Enemy advancing—Denying resources to enemy—Right to compensation.
Burmah Oil Co. Ltd. v. Lord Advocate, H.L.(Sc.) [1965] A.C. 75; [1964] 2 W.L.R. 1231.

Privilege

Claim to

Whether matter of substantive law—Rule of Supreme Court relating to production of document when statement that production injurious to public interest—Effect—R.S.C., Ord. 24, r. 15. *In re* **Grosvenor Hotel, London (No. 2),** Ungoed-Thomas J. and C.A. [1965] Ch. 1210; [1964] 3 W.L.R. 992.

Evidence

Habeas corpus—Communications from foreign government regarding alien—Addressed to British Government—Minister's certificate that disclosure injurious to good diplomatic relations—Whether documents disclosable—Whether Crown privilege applies in habeas corpus proceedings. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Soblen,** John Stephenson J. and C.A. [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154.

Medical records—Public interest—Certificate of Admiralty—Whether conclusive—Use by witness to refresh memory. **Gain v. Gain,** Wrangham J. [1961] 1 W.L.R. 1469.

Objection to produce documents—Affidavit by Minister claiming privilege specifying class of documents in customary form—Insufficiency—Whether interests of justice requiring court to overrule claim for Crown privilege—Local government reorganisation, proposals for—Statutory inquiry into objections by local authorities—Action challenging validity of statutory inquiry—Crown privilege claimed for departmental briefs for guidance of inspectors appointed to hold statutory inquiry—Claim for Crown privilege not made in proper form not to be overruled where production of documents unnecessary to dispose fairly of issue in action—Whether inquiry prima facie judicial or ministerial—Local Government Act, 1958, s. 23.
Wednesbury Corpn. v. Ministry of Housing and Local Government, C.A. [1965] 1 W.L.R. 261.

————————————Class of documents—Reports relevant to action for malicious prosecution—Minister's objection on ground that disclosure of any document belonging to class of document injurious to public interest—Whether conclusive—Whether power in English court to inspect class document—Whether power in English court to overrule Crown objection in class case.
Conway v. Rimmer (Note), H.L.(E.) [1968] A.C. 910; [1968] 2 W.L.R. 1535.

————————————Departmental decision that production of class of documents injurious to public interest—Subsequent affidavit by Minister claiming privilege—Affidavit defective—Summons to cross-examine Minister—Whether appropriate—Minister given time and opportunity to swear further affidavit—Whether discretion to give Minister second opportunity properly exercised.
In re **Grosvenor Hotel, London,** Cross J. [1964] Ch. 464; [1963] 3 W.L.R. 955.
C.A. [1964] Ch. 464; [1964] 2 W.L.R. 184.

————————————Police minutes—Decision that production of class of documents injurious to public interest—Certificate by Minister claiming privilege—Whether sufficient.
Merricks v. Nott-Bower, C.A. [1965] 1 Q.B. 57; [1964] 2 W.L.R. 702.

CROWN—*continued.*

Privilege—*continued.*

Evidence—continued.

Objection to produce documents—Police reports—Class of documents—Reports relevant to action for malicious prosecution—Minister's objection on ground that disclosure of any document belonging to class of document injurious to public interest—Whether conclusive—Whether power in English court to inspect class document—Whether power in English court to overrule Crown objection in class case.
Conway v. Rimmer, C.A. [1967] 1 W.L.R. 1031.
H.L.(E.) [1968] A.C. 910; [1968] 2 W.L.R. 998.

Objection to produce documents

Class of documents—Departmental decision that production injurious to public interest—Subsequent affidavit by Minister claiming privilege defective—Whether further affidavit specifying class of documents sufficient—Effect of R.S.C., Ord. 24, r. 15—Whether objection of Minister taken in proper form conclusive—Power of court to order production of documents for inspection—R.S.C., Ord. 24, r. 15.
In re **Grosvenor Hotel, London (No. 2),** Ungoed-Thomas J. and C.A. [1965] Ch. 1210; [1964] 3 W.L.R. 992.

Revenue

Reports to Board of Inland Revenue by their officers.
Soul v. Irving, Buckley J. and C.A. (1965) 41 T.C. 517.

Servant

Authority

Resignation of inferior civil servant—Authority to accept.
Riordan v. War Office, C.A. [1961] 1 W.L.R. 210.

Ceylon

Right of action for arrears of salary. **Kodeeswaran v. Attorney-General of Ceylon,** P.C. [1970] A.C. 1111; [1970] 2 W.L.R. 456.

Signature

Assistant secretary authorised to demand payment—Demand signed by chief executive officer—Whether valid—Customs and Excise Act, 1952, s. 4 (1).
Comrs. of Customs and Excise v. Cure & Deeley Ltd., Sachs J. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798.

Who is a?

Public body carrying out services for public benefit—Whether servants of body Crown servants—National Health Service—"Services of the Crown"—Meaning.
Pfizer Corpn. v. Ministry of Health, H.L.(E.) [1965] A.C. 512; [1965] 2 W.L.R. 387.

Statute

Application to

Landlord and tenant—Right of occupancy—Right of re-entry—Whether notice of breach necessary—Tanganyika.
Premchand Nathu & Co. Ltd. v. Land Officer, P.C. [1963] A.C. 177; [1963] 2 W.L.R. 99.

Patents. *See* PATENT.

Restrictive Trade Practices Act, 1956—Not applicable to agreement to which Crown a party—Whether applicable to subsidiary agreement between other parties—Whether Crown prejudiced. *In re* **Telephone Apparatus Manufacturers' Application,** C.A. (1963) L.R. 3 R.P. 462; [1963] 1 W.L.R. 463.

Town and Country Planning—Afforestation of Crown lands—Agricultural Holdings Act, 1948, s. 24 (2) (*b*)—Town and Country Planning Act, 1947, s. 87 (2).
Ministry of Agriculture, Fisheries and Food v. Jenkins, C.A. [1963] 2 Q.B. 317; [1963] 2 W.L.R. 906.

CROWN PRACTICE. (*See also* COSTS; TRIBUNAL.)

Certiorari

Alternative remedy

Patents Appeal Tribunal—Refusal to direct reference to opponents' patent in applicants' specification—Error in law—Risk of infringement—Opponents' remedy by action if patent infringed—Whether opponents should be granted certiorari—Patents Act, 1949, s. 9 (1). **Reg. v. Patents Appeal Tribunal,** *Ex parte* **J. R. Geigy S.A.,** Divl.Ct. [1963] 2 Q.B. 728; [1963] 2 W.L.R. 1007.

Error of law on face of record. (*See also* ARBITRATION (**Award**).)

Oral decision—Fine based by justices on misconception of law—Written register of conviction—Oral decision a speaking order.
Reg. v. Chertsey Justices, *Ex parte* **Franks,** Divl.Ct. [1961] 2 Q.B. 152; [1961] 2 W.L.R. 442.

Patents Appeal Tribunal—Whether application and specification part of record.
Reg. v. Patents Appeal Tribunal, *Ex parte* **Swift & Co.,** Divl.Ct. **[1962] 2 Q.B. 647; [1962] 2 W.L.R. 897.**

CROWN PRACTICE—*continued.*

Certiorari—*continued.*

Inferior tribunal

Statutory—Foreign Compensation Commission—Determination—Construction of Order in Council—Whether error going to jurisdiction—"No certiorari clause"—Whether certiorari lies—Foreign Compensation Act, 1950, s. 4 (4).
Anisminic Ltd. v. Foreign Compensation Commission, C.A. [1968] 2 Q.B. 862; [1967] 3 W.L.R. 382.
H.L.(E.) [1969] 2 A.C. 147; [1969] 2 W.L.R. 163.

Town planning—Planning authority granting planning permission—Whether certiorari would lie to quash permission.
Reg. v. Bradford-on-Avon Urban District Council, *Ex parte* **Boulton,** Divl.Ct. [1964] 1 W.L.R. 1136.

Jurisdiction of inferior tribunal

Invalid conviction and order of disqualification by justices—Pleas of guilty to two subsequent offences of driving while disqualified—Belief that original conviction and disqualification valid—Further orders of disqualification—Jurisdiction to quash all three convictions—Court's discretion to grant ancillary relief.
Reg. v. Middleton, Bromley and Bexley Justices, *Ex parte* **Collins,** D.C. [1970] 1 Q.B. 216; [1969] 3 W.L.R. 632.

Rent officer—Application for registration of fair rents—Not made personally by tenant but by tenant's association on tenant's behalf—Whether a nullity.
Reg. v. London Rent Assessment Panel, *Ex parte* **Braq Investments Ltd.,** D.C. [1969] 1 W.L.R. 970.

Sentence increased by quarter sessions on appeal against conviction—Purported committal by quarter sessions to itself for sentence—Amendment of conviction by substitution of lesser sentence—Administration of Justice Act, 1960, s. 16 (1).
Reg. v. Bullock, C.C.A. [1964] 1 Q.B. 481; [1963] 3 W.L.R. 911.

Liverpool Court of Passage, removal of proceedings from

Action pending in Court of Passage—Desire of defendants to join third party—Neither defendants nor third party within jurisdiction of Court of Passage—Delay in defendants' application for removal—Small amount of money involved in action—Whether "desirable" that action be heard in High Court—Liverpool Corporation Act, 1921, s. 256. **Reg. v. Liverpool Court of Passage Registrar,** *Ex parte* **William Braund Ltd.,** Divl.Ct. [1966] 1 W.L.R. 241.

Master and servant. See Master and Servant (**Wrongful dismissal**).

Non-statutory body

Criminal Injuries Compensation Board—Appointed under prerogative powers to administer scheme for compensating victims of violence—Whether a body with legal authority—Compensation by way of ex gratia payments from funds made available through grant-in-aid—Whether board a body having authority to determine questions affecting rights of subjects. **Reg. v. Criminal Injuries Compensation Board,** *Ex parte* **Lain,** Divl.Ct. [1967] 2 Q.B. 864; [1967] 3 W.L.R. 348.

Practice

Parties—Whether applicant interested—Planning permission—Application to quash—Applicant user of highway living ten miles away—Whether certiorari could lie at his suit. **Reg. v. Bradford-on-Avon Urban District Council,** *Ex parte* **Boulton,** Divl.Ct. [1964] 1 W.L.R. 1136.

Quarter sessions

Highway — Obstruction — Suspension of judgment — Shopkeeper prosecuted by highway authority for common law obstruction—Verdict of acquittal after misdirection—Application by authority for certiorari—Verdict no hindrance to future prosecution in relation to different obstruction on different date—Whether jurisdiction to suspend—Discretion of court—Whether certiorari will lie in case of indictment for common law obstruction.
Reg. v. Andrews, *Ex parte* **Cheshunt Urban District Council,** Divl.Ct. (1962) 60 L.G.R. 211.

University

Examining body considering factors extraneous to examination results of student—Student unheard—Breach of rules of natural justice—Delay—Discretion—Whether remedy available. **Reg. v. Aston University Senate,** *Ex parte* **Roffey,** D.C. [1969] 2 Q.B. 538; [1969] 2 W.L.R. 1418.

Valuation list

Comprehensive statutory code for amendment—Whether cumulative errors render list a nullity. **Reg. v. Paddington Valuation Officer,** *Ex parte* **Peachey Property Corpn. Ltd.,** Divl.Ct. [1964] 1 W.L.R. 1186; C.A. [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426.

Costs

Application for order of certiorari

Opposition by respondents—Intention no longer to contest application notified by respondents not appearing at hearing—Whether applicants' costs payable by respondents.
Reg. v. Hastings Licensing Justices, *Ex parte* **John Lovibond & Sons Ltd.,** Divl.Ct. [1968] 1 W.L.R. 735.

CROWN PRACTICE—*continued.*

Court of Appeal. *See* COURT OF APPEAL (**Jurisdiction**).

Foreign decree, validity

Prayer for declaration of—Venue—Jurisdiction. **Practice Direction (Matrimonial Causes: Declaration of Validity),** P.D.A. [1966] 1 W.L.R. 56.

Habeas corpus. *See* HABEAS CORPUS.

Mandamus

Alternative remedy

Refusal of Board of Trade to investigate company's affairs following special resolution of company—Possibility of order of court for such investigation—Whether mandamus lies. **Reg. v. Board of Trade,** *Ex parte* **St. Martins Preserving Co. Ltd.,** **Divl.Ct. [1965] 1 Q.B. 603; [1964] 3 W.L.R. 262.**

Commissioner of Police of Metropolis

Whether order available to compel performance of duty—Enforcement of betting and gaming statute—Whether private citizen sufficient interest. **Reg. v. Comr. of Police of the Metropolis,** *Ex parte* **Blackburn,** C.A. [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893.

Commissioners of Customs and Excise

Acceptance of duty by payment not statutorily authorised—Betting premises licence—Difficulty of drafting—Whether order available. **Reg. v. Comrs. of Customs and Excise,** *Ex parte* **Cook,** D.C. [1970] 1 W.L.R. 450.

Industrial court

Industrial court acting as private arbitrators—Whether mandamus lies. **Reg. v. Industrial Court,** *Ex parte* **A.S.S.E.T.,** Divl.Ct. [1965] 1 Q.B. 377; [1964] 3 W.L.R. 680.

Justices

Summary proceedings—Acceptance of unequivocal plea of guilty—Whether mandamus or certiorari lie in respect of further proceedings. **Reg. v. Guest,** *Ex parte* **Anthony,** Divl.Ct. [1964] 1 W.L.R. 1273.

Licensing justices

Refusal of new off-licence to co-operative society for sale of liquor at supermarket—Grant of licence to grocer—Whether extraneous considerations taken into account—Whether proper exercise of discretion—Whether society entitled to certiorari and mandamus—Licensing Act, 1953, s. 4. **Reg. v. Great Yarmouth Licensing Justices,** *Ex parte* **Hamilton,** Divl.Ct. (1962) 60 L.G.R. 129.

Local authority

Failure to comply with standing orders in entering into contracts—Application for mandamus by contractors—Ratepayers—Whether sufficient interest. **Reg. v. Hereford Corpn.,** *Ex parte* **Harrower,** D.C. [1970] 1 W.L.R. 1424.

Marriage superintendent registrar

Parties to proposed marriage seeking to circumvent foreign domiciliary law relating to status—Undesirability of increasing "limping marriages"—Refusal of registrar to issue marriage certificate—Whether proper to order mandamus. **Reg. v. Brentwood Superintendent Registrar of Marriages,** *Ex parte* **Arias,** D.C. [1968] 2 Q.B. 956; [1968] 3 W.L.R. 531.

Quarter sessions

Application for case stated out of time—Refusal to state case—Whether mandamus lies. **Reg. v. Northumberland Quarter Sessions,** *Ex parte* **Williamson,** Divl.Ct. [1965] 1 W.L.R. 700.

Revenue

Special Commissioners—Decision in principle—Whether mandamus lies. **Reg. v. Special Comrs. of Income Tax,** *Ex parte* **Philippi,** Divl.Ct. (1966) 44 T.C. 31.

University

Examining body in breach of rules of natural justice—Delay—Discretion—Whether remedy available. **Reg. v. Aston University Senate,** *Ex parte* **Roffey,** D.C. [1969] 2 Q.B. 538; [1969] 2 W.L.R. 1418.

Whether writ lies for failure properly to examine for degree. **Thorne v. University of London,** C.A. [1966] 2 Q.B. 237; [1966] 2 W.L.R. 1080.

Valuation officer

Valuation list—Whether certiorari or mandamus lies. **Reg. v. Paddington Valuation Officer,** *Ex parte* **Peachey Property Corpn. Ltd.,** Divl.Ct. [1964] 1 W.L.R. 1186; C.A. [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426.

CROWN PRACTICE—*continued.*

Ne exeat regno

Whether writ extant

Circumstances of issue—Whether circumscribed by section 6 of Act of 1869—Whether issue of writ discretionary—Standard of proof—Jurisdiction to issue writ—Whether limited to case of plaintiff wishing to call defendant as witness—Necessity for material prejudice to plaintiff in prosecuting action—Presence of defendant unnecessary for judgment—Whether writ obtainable—Whether available in quia timet proceedings to enforce legal obligation—Debtors Act, 1869, s. 6—R.S.C. (Rev. 1965), Ord. 69.
Felton v. Callis, Megarry J. [1969] 1 Q.B. 200; [1968] 3 W.L.R. 952.

Prohibition

Justices

Juvenile court. **Reg. v. Chelsea Justices,** *Ex parte* **Director of Public Prosecutions,** Roskill J. [1963] 1 W.L.R. 1138.

CROWN PROCEEDINGS

Interim relief against Crown

Declaration

Ex parte application for a declaration of rights—Jurisdiction—Crown Proceedings Act, 1947, s. 21. **International General Electric Company of New York Ltd. v. Comrs. of Customs and Excise,** C.A. [1962] Ch. 784; [1962] 3 W.L.R. 20.

Post Office

Statutory liability

Registered inland postal packet—Negligent loss of packet—Basis of cause of action—Privately issued stamps bearing face value—"Market value"—Whether face value—Crown Proceedings Act, 1947, s. 9 (2) (*b*).
Building & Civil Engineering Holidays Scheme Management Ltd. v. Post Office,
Roskill J. [1964] 2 Q.B. 430; [1964] 2 W.L.R. 967;
C.A. [1966] 1 Q.B. 247; [1965] 2 W.L.R. 72.

CRUELTY. *See* HUSBAND AND WIFE.

CURRENCY. (*See also* EXCHANGE CONTROL.)

Contract

Damages for breach

Devaluation—C.i.f. contract—Revaluation contemplated—Breach of contract—Failure to ship in time—Buyer paying enhanced price because of devaluation—Whether loss recoverable. **Aruna Mills Ltd. v. Dhanrajmal Gobindram,** Donaldson J. [1968] 1 Q.B. 655; [1968] 2 W.L.R. 101.

Devaluation

Contract contemplating devaluation

Rule as to causation—Whether loss flowing from devaluation always too remote.
Aruna Mills Ltd. v. Dhanrajmal Gobindram, Donaldson J. [1968] 1 Q.B. 655; [1968] 2 W.L.R. 101.

Salvage award

Whether devaluation of sterling relevant.
The Teh Hu, Brandon J. and C.A. [1970] P. 106; [1969] 3 W.L.R. 1135.

Order-in-Council

Appeal to Privy Council

Appealable value—"£500 sterling"—Whether Australian or English currency—Order-in-Council of April 2, 1909, r. 2 (*a*). **Skelton v. Jones,** P.C. [1962] 1 W.L.R. 840.

CUSTOM OR USAGE. *See* CONTRACT.

CY-PRES. *See* CHARITY.

CYPRUS

Crown

Prerogative

Act of state—British troops operating in Cyprus with consent of Government of Cyprus to maintain peace—Occupation of hotel belonging to British subject—British truce force becoming contingent of United Nations Peace-keeping Force—Continued occupation—Claim for compensation—Trespass to goods—Whether occupation act of state—Whether valid defence against British subject. **Nissan v. Attorney-General,**
John Stephenson J. [1968] 1 Q.B. 250; [1967] 3 W.L.R. 109.
C.A. [1968] 1 Q.B. 250; [1967] 3 W.L.R. 1044.
H.L.(E.) [1970] A.C. 179; [1969] 2 W.L.R. 926.

DAMAGES

Appeal. (*See also* COURT OF APPEAL; LIBEL AND SLANDER.)

Principles applicable

Privy Council—Infringement of copyright—Design.
Khawam v. K. Chellaram & Sons (Nig.) Ltd., P.C. [1964] 1 W.L.R. 711.

Assessment

Widow's dependency

Tax element—Deprivation of future earnings of deceased—Inherited accelerated capital.
Taylor v. O'Connor, H.L.(E.) [1970] 2 W.L.R. 472.

Compensatory

Whether fault of plaintiff relevant

Assault—Provocation. **Lane v. Holloway**, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

Consortium, impairment of

Wife sustaining injuries from accident

Partial incapacity of wife from performing household duties—Whether husband entitled to damages. **Lawrence v. Biddle**, Brabin J. [1966] 2 Q.B. 504; [1966] 2 W.L.R. 930.

Serious brain injuries—Husband's loss of wife's society while in hospital—Total loss of services—Whether husband entitled to damages.
Cutts v. Chumley, Willis J. [1967] 1 W.L.R. 742.

Contract

Building contract

Breach of statutory duty by contractors to take precautions against flooding—Damage to property of another—Concurrent breach of statutory duty by independent contractor —Whether chain of causation broken by acts or omissions of contractors—Whether independent contractor liable for damage.
AMF International Ltd. v. Magnet Bowling Ltd., Mocatta J. [1968] 1 W.L.R. 1028.

R.I.B.A. form—Defects revealed after end of defects liability period—Measure of damages cost of reinstatement—Whether damages to be assessed by reference to cost of building works at date of breaches of contract alleged or at date at which remedial works carried out. **East Ham Corpn. v. Bernard Sunley & Sons Ltd.**, H.L.(E.) [1966] A.C. 406; [1965] 3 W.L.R. 1096.

Currency revaluation

Devaluation contemplated—Breach by late delivery on c.i.f. contract—Buyers accepting goods and paying enhanced price—Whether loss recoverable.
Aruna Mills Ltd. v. Dhanrajmal Gobindram, Donaldson J. [1968] 1 Q.B. 655; [1968] 2 W.L.R. 101.

Failure to insure

Agreement to insure—Venture course—Injury to plaintiff—" The [organisers] take out a . . . policy to cover any injury that might possibly be sustained during the course "—Failure by organisers to take out policy—Liability of organisers.
Woolford v. Liverpool County Council, Roskill J. [1968] 2 Lloyd's Rep. 256.

Conversion. *See* CONVERSION.

Costs, recoverable as. *See* COSTS (**Taxation**).

Costs of proceedings

Measure of damage

Award of costs to complainant—Criminal case—Whether any damage suffered—Costs insufficient to reimburse complainant—Malicious prosecution—Summary Jurisdiction (Appeals) Act, 1933, ss. 1, 5. **Berry v. British Transport Commission**, C.A. [1962] 1 Q.B. 306; [1961] 3 W.L.R. 450.

Motor car purchased by plaintiffs from first defendant seized by second defendants—Claim for damages for breach of warranty against first defendant, with alternative claim to damages against the second defendants for conversion—Whether plaintiffs entitled to recover as damages from first defendant solicitor and client costs of joining second defendants—Whether first defendant entitled to indemnity against third party in respect of such damages and costs.
Bowmaker (Commercial) Ltd. v. Day, MacKenna J. [1965] 1 W.L.R. 1396.

Deceit

Measure of damages

Loss of regulated tenancy—Inconvenience—Whether award appropriate.
Mafo v. Adams, C.A. [1970] 1 Q.B. 548; [1970] 2 W.L.R. 72.

Principle applicable—Sale of business induced by fraud and conspiracy—Damages at large —Measure of damages—All loss directly flowing from fraudulent inducement including consequential loss.
Doyle v. Olby (Ironmongers) Ltd., C.A. [1969] 2 Q.B. 158; [1969] 2 W.L.R. 673.

Detinue. *See* DETINUE.

DAMAGES—*continued.*

Earnings, **loss of** (*See also* **Personal injuries.**)

Future earnings

Manual worker aged 20—No immediate loss of earnings—Inability to lift heavy weights—Physical handicap for rest of working life—Whether loss correctly assessed.
Patel v. Edwards, C.A. [1970] R.T.R. 425.

Mitigation

Wrongful procurement of dismissal—Shortage of comparable jobs—Basis of assessment—Analogy with personal injury cases—Person dismissed not reasonably expected to take lower grade employment.
Edwards v. Society of Graphical and Allied Trades, Buckley J. [1970] 1 W.L.R. 379.

National Assistance

Whether accountable in mitigation of loss of earnings caused by personal injuries—Whether unemployment benefit accountable in mitigation.
Foxley v. Olton, John Stephenson J. [1965] 2 Q.B. 306; [1964] 3 W.L.R. 1155.

Trade union

Wrongful exclusion from membership—Measure of damages—Basis of assessment—Actual financial loss plus sum for estimated future loss—Duty to mitigate damages by reasonable conduct.
Edwards v. Society of Graphical and Allied Trades, C.A. [1970] 3 W.L.R. 713.

Unemployment benefit

Whether accountable in mitigation of loss of earnings following wrongful dismissal.
Parsons v. B.N.M. Laboratories Ltd., C.A. [1964] 1 Q.B. 95; [1963] 2 W.L.R. 1273.

Wrongful dismissal

Measure of damages—Salary and commission—Staff pension and assurance scheme—Discretionary pension and life assurance scheme—Interest—Assessment of damages.
Bold v. Brough, Nicholson & Hall Ltd., Phillimore J. [1964] 1 W.L.R. 201.

Salary and bonus—Employer no contractual obligation to pay bonus—Consent of employer required before employee could invest in another company—Bonus scheme ended after dismissal—Calculation of loss—Whether either future bonuses or increased salary to be taken into account—Shares bought by employee in competitive company—Employee able to invest in competitive company—Work for company in which he held shares—Increase in value of shares—Whether increased value of shares and investment to be taken into account. **Lavarack v. Woods of Colchester Ltd.,**
C.A. [1967] 1 Q.B. 278; [1966] 3 W.L.R. 706.

Exemplary

Categories in which awardable

Libel—Newspaper publication of article—Whether publication known to be false or recklessly careless with intention to publish on basis of publication producing more profit than possible damages—Inference for jury.
Manson v. Associated Newspapers Ltd., Widgery J. [1965] 1 W.L.R. 1038.

Threat by members of union to strike unless plaintiff fellow-worker removed from employment—Dismissal of plaintiff—Action against union officials—Whether damages to be exemplary, aggravated or compensatory.
Rookes v. Barnard, H.L.(E.) [1964] A.C. 1129; [1964] 2 W.L.R. 269.

Deceit

Loss of regulated tenancy by misrepresentation that alternative accommodation available—Whether exemplary damages awardable.
Mafo v. Adams, C.A. [1970] 1 Q.B. 548; [1970] 2 W.L.R. 72.

Guidance from awards in other cases

Libel—Whether exemplary damages awardable—Judicial Precedent—Damages—Libel—Relationship to scale of values applied to personal injuries.
McCarey v. Associated Newspapers Ltd. (No. 2), C.A. [1965] 2 Q.B. 86;
[1965] 2 W.L.R. 45.

Landlord and tenant

Contract—Claim for damages for breach of covenant in contract—No claim in tort—No special damage pleaded or proved—Measure of damages—No basis for award of punitive or exemplary damages—Nominal damages only proper award.
Kenny v. Preen, C.A. [1963] 1 Q.B. 499; [1962] 3 W.L.R. 1233.

Libel

Australia—Whether exemplary damages applicable.
Australian Consolidated Press Ltd. v. Uren, P.C. [1969] 1 A.C. 590;
[1967] 3 W.L.R. 1338.

Newspaper article — Published in ordinary course of business — Whether exemplary damages applicable.
Broadway Approvals Ltd. v. Odhams Press Ltd. (No. 2), C.A. [1965] 1 W.L.R. 805.

DAMAGES—*continued.*

Fatal Accidents Acts. *See* FATAL ACCIDENTS ACTS.

General or special

Breach of duty of confidence

Further and better particulars of over 100 alleged breaches—Reservation of right to claim relief in respect of all breaches, whether particularised or not—Whether inquiry as to damages should be limited to particularised breaches—General damages—Whether recoverable in absence of plea of special damage.
National Broach and Machine Co. v. Churchill Gear Machines Ltd.,
C.A. [1965] 1 W.L.R. 1199.
H.L.(E.) [1967] 1 W.L.R. 384.

Hire, contract of

Sale of goods principles

Hire of equipment for fixed period—Premature termination of contract by hirer—Provision in contract for half total rentals payable to be paid as liquidated damages—Whether penalty—Discount for damages in lump sum—Measure of damages.
Robophone Facilities Ltd. v. Blank, C.A. [1966] 1 W.L.R. 1428.

Termination for non-payment of hire

Non-payment not a repudiation—Measure of damages—Hire-purchase agreement.
Financings Ltd. v. Baldock, C.A. [1963] 2 Q.B. 104; [1963] 2 W.L.R. 359.

Hire-purchase. *See* HIRE-PURCHASE.

Infant

Personal injuries

Settlement of action—Permanent injury to brain—Infant unable to work and requiring constant supervision—Need for expert and continuous control of sum awarded—Court of protection. **M. v. Lester (Practice Note),** Lawton J. [1966] 1 W.L.R. 134.

——————Very serious injuries—Damages settled on trust for infant—Desirability of extending duration of trust.
Warren v. King (Note), C.A. [1964] 1 W.L.R. 122.

Insurance broker's negligence

Breach, damage flowing from

Contract by broker to obtain insurance for employers against employers' liability—No insurance obtained—Accident to employee—Employers liable in damages—Policy envisaged would have contained condition precedent enabling avoidance of policy by insurers in certain circumstances—Whether insurers' strict legal rights relevant test.
Fraser v. B. N. Furman (Productions) Ltd., Miller Smith & Partners (A Firm) Third Party, C.A. [1967] 1 W.L.R. 898.

Joint tortfeasors. (*See also* **Successive independent tortfeasors.**)

Breach of statutory duty

Breach of warranty by sub-contractors to provide suitable scaffolding—Concurrent breach of statutory duty by contractors—Contractors' liability in tort to plaintiff—Whether contractors' rights under warranty affected.
Sims v. Foster Wheeler Ltd., C.A. [1966] 1 W.L.R. 769.

Liability of one for full damages

Libel—Application of principle—Defamatory report in several newspapers.
Dingle v. Associated Newspapers Ltd., H.L.(E.) [1964] A.C. 371; [1962] 3 W.L.R. 229.

Libel and slander. *See* LIBEL AND SLANDER.

Market value

Document

Additional liability flowing from conversion—Whether recoverable.
Building & Civil Engineering Holidays Scheme Management Ltd. v. Post Office,
Roskill J. [1964] 2 Q.B. 430; [1964] 2 W.L.R. 967.

Privately issued stamps bearing face value—Negligent loss by Post Office—Probability of future loss—Whether "market value" face value—Crown Proceedings Act, 1947, s. 9 (2) (*b*). **Building and Civil Engineering Holidays Scheme Management Ltd. v. Post Office,** C.A. [1966] 1 Q.B. 247; [1965] 2 W.L.R. 72.

Secondhand motor car

Well-maintained reliable secondhand motor car—Cost of repairs greatly exceeding market value—No sufficient effort by owner to replace damaged car by comparable secondhand car—Whether owner acting reasonably in having car repaired—Whether owner entitled to cost of repairing replaceable chattel.
Darbishire v. Warran, C.A. [1963] 1 W.L.R. 1067.

DAMAGES—*continued.*

Measure of damages

Breach of confidence

Market value of confidential information used in breach of confidence—Value as between willing buyer and willing seller—Special circumstances of seller and novelty of confidential information to be taken into account.
Seager v. Copydex Ltd. (No. 2), C.A. [1969] 1 W.L.R. 809.

Building, damage to

Fire by negligence—Damage to house structure—Whether measure of damages should be cost of repairs or difference in value—Whether allowance should be made for betterment. **Hollebone v. Midhurst and Fernhurst Builders Ltd.,** His Honour Norman Richards Q.C. [1968] 1 Lloyd's Rep. 38.

New factory replacing old—Whether measure of damages cost of replacement or difference in value—Whether allowance for betterment.
Harbutt's "Plasticine" Ltd. v. Wayne Tank and Pump Co. Ltd., C.A. [1970] 1 Q.B. 447; [1970] 2 W.L.R. 198.

Contract of apprenticeship

Employers' wrongful termination—Principles applicable to assessment of damages—Diminution of future prospects. **Dunk v. George Waller & Son Ltd.,** C.A. [1970] 2 Q.B. 163; [1970] 2 W.L.R. 1241.

Loss of earnings

Part-time secretarial wages paid by husband to wife—Husband and wife both having cause of action for negligence against defendant—Husband's injuries incapacitating him from self-employed work—Consequential loss of part-time secretarial wages to wife—Whether wife entitled to compensation for consequential loss.
Malcolm v. Broadhurst, Geoffrey Lane J. [1970] 3 All E.R. 508.

Mitigation

Breach by sellers of c.i.f. contract—Agreement between parties for sale and purchase of goods at less than market price—Part of continuous course of dealing—Whether statutory rule applicable—Sale of Goods Act, 1893, s. 51 (3).
R. Pagnan & Fratelli v. Corbisa Industrial Agropacuaria Limitada, C.A. [1970] 1 W.L.R. 1306.

Mitigation

Damage to motor car

Duty on plaintiff to mitigate damages—Replaceable chattel—Cost of repairs exceeding market value—Whether owner acting reasonably in having car repaired—Measure of damages market value. **Darbishire v. Warran,** C.A. [1963] 1 W.L.R. 1067.

Damage to vessel under charter

Commencement of profitable hiring advanced—Whether profit accruing from act done in mitigation of damage or from previously negotiated contract—Valuation of benefit of accelerated receipt. **The World Beauty,** C.A. [1970] P. 144; [1969] 3 W.L.R. 110.

Expenses reasonably incurred

Caravan sold to purchaser in breach of warranty that property unencumbered—Seized by sheriff under warrant of execution—Costs of interpleader proceedings paid by purchaser on abandoning claim against sheriff—Whether recoverable from vendor—Sale of Goods Act, 1893, s. 53 (2).
Lloyds and Scottish Finance Ltd. v. Modern Cars and Caravans (Kingston) Ltd., Edmund Davies J. [1966] 1 Q.B. 764; [1964] 3 W.L.R. 859.

Profits earned as result of mitigating acts

Relevance of. **The World Beauty,** Willmer L.J. [1969] P. 12; [1968] 3 W.L.R. 929.

Repudiation

Election to affirm contract—No duty to mitigate—Contract to display advertisements—Repudiation by advertiser. **White and Carter (Councils) Ltd. v. McGregor Ltd.,** H.L.(Sc.) [1962] A.C. 413; [1962] 2 W.L.R. 17.

Service agreement

Defendants' revocation of plaintiff's appointment as joint managing director—Offer of alternative employment as assistant managing director—Reasonableness of plaintiff's refusal of offer and attempts to find other employment.
Yetton v. Eastwoods Froy Ltd., Blain J. [1967] 1 W.L.R. 104.

Personal injuries. (*See also* FATAL ACCIDENTS ACTS; **Earnings, loss of.**)

Assault

Provocation—Fight after insult—Whether plaintiff's conduct relevant to reduce damages—Law Reform (Contributory Negligence) Act, 1945, s. 1 (1).
Lane v. Holloway, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

DAMAGES—*continued.*

Personal injuries—*continued.*

Assessment

Method of—Economic and non-economic loss—Active industrial worker turned into cripple incapable of heavy work and facing pain and loss for rest of life—Composite sum for general damages—No indication of sums awarded under heads of economic and non economic loss—Whether sum awarded too low—No ground for directing judges to subdivide award under specific heads of damage—Actuarial evidence, value and limitations of—Damages to be fair but not perfect pecuniary compensation for injuries sustained.
Watson v. Powles, C.A. [1968] 1 Q.B. 596; [1967] 3 W.L.R. 1364.

Asthma

Amount of damages—Plaintiff capable of working though unfit for heavy work ever again. **Adair v. General Motors Ltd. (Note),** Phillimore J. [1968] 1 All E.R. 481.

Child

Brain damage—Loss of grammar school place—Loss of powers of concentration—Loss of future earnings—Effect on future job.
Jones v. Lawrence, Cumming-Bruce J. [1969] 3 All E.R. 267.

Chronic osteomyelitis

Assessment. **Warner v. Royal Mail Lines Ltd.,** Bridge J. [1970] 2 Lloyd's Rep. 353.

Concussion

Alleged change of personality—Evidence of pre-accident propensities—Whether proved that personality change effect of concussion.
Barker v. Anders Stokka, Blain J. [1969] 1 Lloyd's Rep. 319.

Contemporary basis

Permanent injury—Loss of earnings—Number of years' purchase—Loss of amenities—Whether damages excessive. **Senior v. Barker & Allen Ltd.,** C.A. [1965] 1 W.L.R. 429.

Dermatitis

Industrial dermatitis—Plaintiff unable to take work involving handling chrome or nickel.
Dowman v. Wolverhampton Die Casting Co. Ltd. (Note),
Waller J. and C.A. [1968] 3 All E.R. 692.

Disability pension

Compulsory contributions to police pension fund—Right to pension on discharge for disablement—Whether pension to be taken into account.
Parry v. Cleaver, C.A. [1968] 1 Q.B. 195; [1967] 3 W.L.R. 739.
H.L.(E.) [1970] A.C. 1; [1969] 2 W.L.R. 821.

National serviceman injured in road accident—Award of disablement pension—Discretion to withhold or reduce pension after taking other compensation into account—Subsequent action for damages against negligent tortfeasor—Assessment of damages—Loss of earning capacity—Whether disablement pension to be taken into account—Pensions Appeal Tribunals Act, 1943, s. 11—Royal Warrant of May 24, 1949 (Cmd. 7699), art. 52. **Carroll v. Hooper,** Veale J. [1964] 1 W.L.R. 345.

Naval rating injured in road accident—Award of disability pension on basis of hundred per cent. disability—Discretion of Minister to withhold or reduce pension after taking other compensation into account—Assessment of damages—Whether damages to be diminished by reference to service disability pension—Order in Council, dated September 29, 1949, concerning Retired Pay, Pensions, etc., for Members of Naval Forces, art. 52 (1).
Elstob v. Robinson, Elwes J. [1964] 1 W.L.R. 726.

Pecuniary loss—Serviceman injured in motor accident—Award of disability pension as of right—Subsequent action for damages for admitted negligence against tortfeasors—Assessment of damages—Compensation for pecuniary loss—Whether disability pension to be taken into account.
Browning v. War Office, C.A. [1963] 1 Q.B. 750; [1963] 2 W.L.R. 52.

Evidence. See Evidence (**Expert**).

Future uncertainties

Eye—Contingency of cataract—Whether damages awardable to cover contingency of possible eye deterioration.
Littler v. G. L. Moore (Contractors) Ltd., Brabin J. [1967] 1 W.L.R. 1241.

Major epilepsy, possibility of—Brain damage—Minor epilepsy—Controlled by drugs—50/50 chance of major epilepsy developing—Whether £8,000 proper sum.
Hawkins v. New Mendip Engineering Ltd., C.A. [1966] 1 W.L.R. 1341.

Plaintiff not fully recovered at date of trial—Issues of liability and damages—Whether assessment of damages should be postponed.
Stevens v. William Nash Ltd., C.A. [1966] 1 W.L.R. 1550.

DAMAGES—*continued.*

Personal injuries—*continued.*

Hand, value of

Left hand—Index finger permanently crooked—Spinster in forties—Awkwardness—Cosmetic effect—Appropriate award—£500.
Stanley v. Blackstones & Co. Ltd., C.A. (1968) 5 K.I.R. 305.

Judicial precedent. *See* JUDICIAL PRECEDENT.

Jury

Assessment of damages by jury—Power of appellate court to set aside award—Power to order retrial by judge alone—Power of court to substitute own award by consent—R.S.C., Ord. 58, rr. 9 (3) (6), 10 (4).
Ward v. James, C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

————————Whether award so excessive as to warrant interference by appellate court.
Mallett v. McMonagle, H.L.(N.I.) [1970] A.C. 166; [1969] 2 W.L.R. 767.

Excessive award to quadriplegic—Misdirection—Whether substantial wrong or miscarriage—Power of court to order retrial—R.S.C., Ord. 58, r. 10 (2).
Warren v. King, C.A. [1964] 1 W.L.R. 1.

————————No misdirection—Power of appellate court to interfere.
Morey v. Woodfield (No. 2), C.A. [1964] 1 W.L.R. 16.

Life shortened

Loss of earnings—Very young child—Permanent injury to brain—Loss of expectation of life—Whether earnings during "lost years" separate head of damage.
Oliver v. Ashman, C.A. [1962] 2 Q.B. 210; [1961] 3 W.L.R. 669.

——————Whether lost earnings for period during which life shortened to be taken into account. **Wise v. Kaye,** C.A. [1962] 1 Q.B. 638; [1962] 2 W.L.R. 96.

Loss of amenities

Knowledge of loss, whether relevant—Incapacity to enjoy damages, whether relevant—Loss of happiness, whether relevant—Permanent brain injury—Slight degree of consciousness—Basis of assessment.
H. West & Son Ltd. v. Shephard, H.L.(E.) [1964] A.C. 326; [1963] 2 W.L.R. 1359.

Organic sexual impotence—Effect on family life—Loss of smell and taste—Award of £3,000 inadequate. **Cook v. J. L. Kier & Co. Ltd.,** C.A. [1970] 1 W.L.R. 774.

Permanent brain injuries—Some awareness of physical disabilities—Assessment of damages. **Cutts v. Chumley,** Willis J. [1967] 1 W.L.R. 742.

Tetraplegia—Complete loss of sensation in body and limbs—Some ability to use hands and arms—Plaintiff aged 16½ at time of accident—Change of career as result of accident—Expectation of lower salary—Life shortened—Necessity for constant attention and nursing. **Povey v. Rydal School Governors,** Crichton J. [1970] 1 All E.R. 841.

Very young child—Child unconscious until death after one year—Action for benefit of estate—Basis of assessment—Whether a proper "conventional" award—Loss of expectation of life—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1.
Andrews v. Freeborough, C.A. [1967] 1 Q.B. 1; [1966] 3 W.L.R. 342.

——————Permanent injury to brain—Probability of permanent residence in State institution—Whether probability that award never expended on behalf of child relevant. **Oliver v. Ashman,** C.A. [1962] 2 Q.B. 210; [1961] 3 W.L.R. 669.

Loss of earnings. *See Life shortened*; **Earnings, loss of.**

Loss of expectation of life

Criminal—Unhappiness of criminal life—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1). **Burns v. Edman,** Crichton J. [1970] 2 Q.B. 541; [1970] 2 W.L.R. 1005.

Deceased girl of two and a half years of age—Conventional award of £500—Whether less should be given in case of extremity of youth or old age—Undesirability of entering into minute calculations—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1).
Cain v. Wilcock, C.A. [1968] 1 W.L.R. 1961.

Deceased happy, healthy young man—Engaged to be married—Settled prospects of employment—Basis of assessment—Fall in value of money—Whether to be taken into account—£1,000 appropriate—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1 (1).
Naylor v. Yorkshire Electricity Board, C.A. [1967] 1 Q.B. 244; [1966] 3 W.L.R. 654.
H.L.(E.) [1968] A.C. 529; [1967] 2 W.L.R. 1114.

DAMAGES—*continued.*

Personal injuries—*continued.*

Medical examination of plaintiff

Defendants' request for—Particulars of injuries in statement of claim alleging minor injuries—Medical examination on behalf of both parties—Admission of liability and payment into court after—Exchange of medical reports revealing more serious medical aspect of injuries—Refusal of defendants' request for medical examination by one of six named specialists—Whether inherent jurisdiction in court to order stay of proceedings until plaintiff submitting to medical examination—Whether necessary to produce just determination of cause. **Edmeades v. Thames Board Mills Ltd.,** C.A. [1969] 2 Q.B. 67; [1969] 2 W.L.R. 668.

National insurance contributions

Pecuniary loss—Assessment of special damage—Weekly contribution to national insurance—Whether to be taken into account.
Cooper v. Firth Brown Ltd., Lawton J. [1963] 1 W.L.R. 418.

Nervous shock

Wife seeing husband fatally injured—Resulting depression—Factor affecting damages—Assessment. **Hinz v. Berry,** C.A. [1970] 2 Q.B. 40; [1970] 2 W.L.R. 684.

Pecuniary loss

Basis of assessment compensatory not punitive.
Browning v. War Office, C.A. [1963] 1 Q.B. 750; [1963] 2 W.L.R. 52.

Pension

State retirement pension payable by Ministry of Pensions—Whether to be taken into account. **Hewson v. Downs,** Park J. [1970] 1 Q.B. 73; [1969] 2 W.L.R. 1169.

Permanent injury

Epilepsy—Epileptic attacks following head injury—Prospect of future attacks—Proper sum to award. **Jones v. Griffith,** C.A. [1969] 1 W.L.R. 795.

Future loss of earnings—Continuing loss greater than assessed—Effect on damages.
Jenkins v. Richard Thomas & Baldwins Ltd., C.A. [1966] 1 W.L.R. 476.

Loss of eye—Minimum conventional standard in 1967—Police constable injured in road accident—No loss of income from police work but continuing loss of £62 a year from part-time physical training work—Depreciation of value in labour market on retirement at 50—Whether £2,250—Erroneous assessment.
Gardner v. Dyson, C.A. [1967] 1 W.L.R. 1497.

No loss of earnings—Stevedore—Possibility of less opportunity of earnings if docks slack—Whether to be taken into account.
Cheesman v. Furness, Withy & Co. Ltd., Paull J. [1969] 1 Lloyd's Rep. 315.

Right hand and arm of right-handed manual worker seriously impaired in function—Award of £2,500—Whether adequate.
Stevens v. William Nash Ltd., C.A. [1966] 1 W.L.R. 1550.

Serious brain injury — Special damages, loss of earnings, loss of amenities and extra expenses—Inter-relationship of four heads—Whether loss of earnings and loss of amenities overlapping heads—Whether deduction should be made for loss of opportunity to incur expenses—Named man earning substantial income—No savings made from income—Proper basis of assessment.
Fletcher v. Autocar and Transporters Ltd., C.A. [1968] 2 Q.B. 322; [1968] 2 W.L.R. 743.

Pneumoconiosis

Quantum—Shortness of breath—Grade 3 dyspnoea—10 per cent. disability—Appropriate award for man of 48.
Cochrane v. Dartmouth Auto Castings Ltd., C.A. (1968) 5 K.I.R. 384.

Pre-accident condition

Coronary thrombosis—Pre-existing arterial disease—Expectation of coronary thrombosis in three years time—Thrombosis precipitated by stress of accident—Measure of damages.
Jason v. Batten (1930) Ltd., Fisher J. [1969] 1 Lloyd's Rep. 281.

Injury to dock worker—Whether plaintiff acted unreasonably in not returning to work earlier or obtaining more highly paid work—Effect of pre-accident degenerative condition.
Sarti v. Nederlandsche Houtimport Maats. "Nehim" N.V., Browne J. [1968] 2 Lloyd's Rep. 135.

Operation accelerated by accident—Whether damages recoverable in respect of operation.
Cutler v. Vauxhall Motors Ltd., C.A. [1970] 2 W.L.R. 961.

Semi-paraplegic

Grave injuries to lower part of body—Plaintiff fit for light work and mobile—Proper amount of damages. **Wright v. Richard Thomas & Baldwins Ltd.,** C.A. (1966) 1 K.I.R. 327.

DAMAGES—*continued.*

Personal injuries—*continued.*

Sense of smell, loss of

Appropriate sum. **Kearns v. Higgs & Hill Ltd.**, C.A. (1968) 4 K.I.R. 313.

Special damage

Compensation neurosis—Plaintiff suffering pain disabling him from work—No physical cause for pain—Plaintiff suffering from anxiety about claim for damages—Advice that condition would continue until claim determined—Failure to issue writ within reasonable time—Loss of earnings for six years between accident and trial—Whether recoverable—Duty on plaintiff to prosecute action with reasonable diligence.
James v. Woodall Duckham Construction Co. Ltd., C.A. [1969] 1 W.L.R. 903.

Small agreed sum based on loss of wages pleaded—Further loss of wages proved at trial—Whether recoverable. **Ilkiw v. Samuels**, C.A. [1963] 1 W.L.R. 991.

Thalidomide tragedy

Damage suffered in utero—Quantum of damages—Loss of amenities—Extra expenses—Loss of earnings—No loss of expectation of life—Place of actuarial calculations and opinions of economists in assessing damages—What damages should be awarded in this case. **S. v. Distillers Co. (Biochemicals) Ltd.**, Hinchcliffe J. [1970] 1 W.L.R. 114.

Total wreck

Direction to jury—Cost of supplying needs for remainder of life—No warning of necessity for moderation—No guidance on discounting capital sum—Fairness to both parties—Excessive award by jury—Whether Court of Appeal will interfere.
Warren v. King, C.A. [1964] 1 W.L.R. 1.

Wife's loss of wages looking after injured husband

No legally binding contract by husband to repay wife—Whether recoverable as special damages in action by plaintiff against tortfeasor.
Wattson v. Port of London Authority, Megaw J. [1969] 1 Lloyd's Rep. 95.

Practice

Postponement of hearing

50/50 chance of major epilepsy developing—No prognosis until five years after accident—Suitable case for postponement—R.S.C., Ord. 36, r. 34; Ord. 35b, r. 2.
Hawkins v. New Mendip Engineering Ltd., C.A. [1966] 1 W.L.R. 1341.

Remoteness

Auditor's negligence

Certification of company's accounts—Tax paid and dividend declared on strength of certified accounts—Whether loss natural and probable result of false picture.
In re **Thomas Gerrard & Son Ltd.**, Pennycuick J. [1968] Ch. 455; [1967] 3 W.L.R. 84.

Contract

Breach—Installation of burglar alarm system at plaintiffs' shop by defendants—Window grille not electrically contacted—Whether breach of contract by defendants—Fault not causing loss but giving plaintiffs' insurers right to repudiate liability—Whether defendants should have contemplated loss—Applicability of exemption clause.
Allan Peters (Jewellers) Ltd. v. Brocks Alarms Ltd.,
Megaw J. [1968] 1 Lloyd's Rep. 387.

Humiliation

Breach of contract of service—Claim for damages for "humiliation, embarrassment and loss of reputation"—Whether sustainable.
British Guiana Credit Corpn. v. Da Silva, P.C. [1965] 1 W.L.R. 248.

Impecuniosity or ill-health of plaintiff

Compulsory acquisition of builder's yard—Compensation—Ill-health of master builder—Consequent loss—Whether material in assessing compensation.
Bailey v. Derby Corpn., C.A. [1965] 1 W.L.R. 213.

Insurance brokers' breach of duty

Failure to inform client that he was uninsured—Liability of broker in respect of client's fines and costs in criminal proceedings and liability to third party.
Osman v. J. Ralph Moss Ltd., C.A. [1970] 1 Lloyd's Rep. 313.

Liability to third party

Breach of warranty by third party to defendants to provide suitable scaffolding—Concurrent breach of statutory duty by defendant to plaintiff to see that suitable scaffolding provided—Scaffolding erected by fourth party under sub-contract with third party—Defective—Fatal injury to plaintiff's husband—Defendant and fourth party both liable to plaintiff for separate breaches of statutory duty—Apportionment of liability—Whether defendant debarred by reason of own breach of statutory duty from recovering against third party in respect of own liability to plaintiff—Whether damages flowing from breach of warranty. **Sims v. Foster Wheeler Ltd.**, C.A. [1966] 1 W.L.R. 769.

DAMAGES—*continued.*

Remoteness—*continued.*

Negligence

Boilermaker injured by falling valve cover—Valve misplaced by defendants' fitter—Chain of circumstances leading to accident—Liability of defendants.
Perry v. R. & H. Green and Silley Weir Ltd., Bridge J.
[1968] 1 Lloyd's Rep. 525.

Farm worker—Infestation of rats—Foreseeability of some injury or disease—Rare disease caused by contact with rats urine—Whether foreseeable—Whether too remote.
Tremain v. Pike, Payne J. [1969] 1 W.L.R. 1556.

Supply of chemical without warning of explosion hazard—Unexpected severity of damage of foreseeable type—Liability of suppliers.
Vacwell Engineering Co. Ltd. v. B.D.H. Chemicals Ltd.,
Rees J. [1969] 3 W.L.R. 927.
C.A. [1970] 3 W.L.R. 67.

Novus actus interveniens

Contract—Contractors' failure to supply sub-contractor with step-ladder for building work—Contractors' breach of contract—Sub-contractor's use of trestle in absence of proper equipment—Sub-contractor's fall from trestle—Action based on contract claiming damages for personal injuries—Whether accident caused by breach of contract—Whether defeated by contributory negligence—Law Reform (Contributory Negligence) Act, 1945, s. 1 (1).
Quinn v. Burch Bros. (Builders) Ltd.,
Paull J. [1966] 2 Q.B. 370; [1966] 2 W.L.R. 430.
C.A. [1966] 2 Q.B. 370; [1966] 2 W.L.R. 1017.

Ship—Whether master's conduct reasonable—Effect in law of unreasonable conduct.
The Fritz Thyssen, Karminski J. [1968] P. 255; [1967] 2 W.L.R. 919.
C.A. [1968] P. 255; [1967] 3 W.L.R. 990.

Ships—Chartered by public authority—Strike—Authority's orders regarding loading—Whether delay caused by strike. **Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food,** C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

Polemis rule

Damage directly caused by negligent act—Dangerous thing—Furnace oil—Spilled on harbour waters—Fire—Causation—Damage to wharf—Foreseeability of consequences the effective test of liability—One criterion for determining liability and compensation.
Overseas Tankship (U.K.) Ltd. v. Morts Dock & Engineering Co. Ltd., The Wagon Mound, P.C. [1961] A.C. 388; [1961] 2 W.L.R. 126.

————————Oil spilled on harbour waters—Fire—Foreseeability—Whether justifiable to neglect real risk of small magnitude.
Overseas Tankship (U.K.) Ltd. v. Miller Steamship Co. Pty.,
P.C. [1967] 1 A.C. 617; [1966] 3 W.L.R. 498.

Personal injuries—Extension of type of foreseeable injury—Burn caused by employer's common law negligence—Burn promoting agent causing cancer—Death from cancer—Whether employers liable in respect of death—Fatal Accidents Acts, 1846–1908—Law Reform (Miscellaneous Provisions) Act, 1934.
Smith v. Leech Brain & Co. Ltd., Lord Parker C.J. [1962] 2 Q.B. 405; [1962] 2 W.L.R. 148.

————————Husband and wife injured in same accident—Injuries causing personality change in husband—Wife suffering from pre-existing nervous condition—Husband's changed behaviour affecting her personality and capacity to work—Whether foreseeable consequence of injury to husband.
Malcolm v. Broadhurst, Geoffrey Lane J., [1970] 3 All E.R. 508.

————————Injury resulting from defendant's admitted negligence—Plaintiff's ability to use bi-focal spectacles impaired—Subsequent fall—Whether original defendants liable for injuries sustained in fall.
Wieland v. Cyril Lord Carpets Ltd., Eveleigh J. [1969] 3 All E.R. 1006.

————————Trivial injury caused by defendant's fault—Subsequent fall down stairs due to weakness from original injury—Knowledge of weakness—Whether actions, in descending staircase without assistance and jumping trying to avoid injury, unreasonable—Whether chain of causation broken.
McKew v. Holland & Hannen & Cubitts (Scotland) Ltd.,
H.L.(Sc.) [1969] 3 All E.R. 1621; 8 K.I.R. 921.

————————Unexpected accident of foreseeable type—Injury to child by paraffin lamp—Unexpected explosion.
Hughes v. Lord Advocate, H.L.(Sc.) [1963] A.C. 837; [1963] 2 W.L.R. 779.

DAMAGES—*continued.*

Remoteness—*continued.*

Polemis rule—continued.

Personal injuries — Unexpected accident of unforeseeable type — Injury to workman by molten liquid erupting from cauldron—Whether injury of same kind as splashing—Unexpected explosion. **Doughty v. Turner Manufacturing Co. Ltd.,** C.A. [1964] 1 Q.B. 518; [1964] 2 W.L.R. 240.

Sale of goods

Breach of implied term as to fitness for purpose—Sale of chemical without warning of explosion hazard—Minor explosion reasonably foreseeable—Major explosion not reasonably foreseeable—Whether major explosion direct result of breach.
Vacwell Engineering Co. Ltd. v. B.D.H. Chemicals Ltd.,
Rees J. [1969] 3 W.L.R. 927.
C.A. [1970] 3 W.L.R. 67.

C.i.f.—Currency revaluation clause—Breach of contract by late delivery—Devaluation of currency before delivery—Parties actually contemplating devaluation as serious possibility or real danger—Whether parties assumed to have contemplated late delivery liable to result in buyers suffering loss by paying enhanced price because of devaluation—Buyer paying enhanced price—Whether loss too remote.
Aruna Mills Ltd. v. Dhanrajmal Gobindram, Donaldson J.
[1968] 1 Q.B. 655; [1968] 2 W.L.R. 101.

Shipping

Breach of charterparty—Delayed delivery of goods—Measure of damages.
C. Czarnikow Ltd. v. Koufos, C.A. [1966] 2 Q.B. 695; [1966] 2 W.L.R. 1397.
H.L.(E.) [1969] 1 A.C. 350; [1967] 3 W.L.R. 1491.

Road traffic

Damage to motor vehicle

Commercial vehicle extensively damaged—Use for carriage of goods for reward—Repairers knowing of use—Unreasonable delay in effecting repairs—Measure of damages.
Hargreaves Vehicle Distributors Ltd. v. Holbrook, C.A. [1970] R.T.R. 380.

Whether plaintiff entitled to treat vehicle as a " write-off "—Delay of insurance company in communicating—Comments by court—Hire of alternative vehicle.
Charles Griffin & Co. Ltd. v. De-la-Haye, Paull J. [1968] 2 Lloyd's Rep. 253.

Loss of use of vehicle

Articulated vehicle owned by hauliers—Loss of profits claimed as special damages—Challenged by defendant without adducing evidence—Whether court to assess reasonable sum on available evidence.
Dixons (Scholar Green) Ltd. v. J. L. Cooper Ltd., C.A. [1970] R.T.R. 222.

Omnibus owned by non-profit making corporation with fleet of spare omnibuses for emergencies — Hire of replacement vehicle unnecessary — Basis of assessment — Whether standing charge cost of maintaining spare fleet omnibus.
Birmingham Corpn. v. Sowsbery, Geoffrey Lane J. (1969) 67 L.G.R. 600;
[1970] R.T.R. 84.

Sale of goods

C.i.f.

Breach by sellers of c.i.f. contract—Goods rejected by buyers—Subsequent purchase of goods by buyers at price less than market price—Part of continuous course of dealing between parties—Loss occasioned to buyers by sellers' breach extinguished—Whether buyers entitled to damages for breach.
R. Pagnan & Fratelli v. Corbisa Industrial Agropacuaria Limitada,
Roskill J. [1969] 2 Lloyd's Rep. 129.
C.A. [1970] 1 W.L.R. 1306.

Repudiation by sellers before date of delivery of goods—Threat by assignees of buyers to issue writ for damages for breach of contract—Writ not issued until after date when goods would have been delivered—Whether conduct electing to treat contract as at an end. **Garnac Grain Co. Inc. v. H. M. F. Faure & Fairclough Ltd.,**
C.A. [1966] 1 Q.B. 650; [1965] 3 W.L.R. 934.
H.L.(E.) [1968] A.C. 1130; [1967] 3 W.L.R. 143.

Sale of land

Loss of profit

Intention of purchaser to develop land—Purchaser's intention known to vendor—Option to purchase—Breach of option—Measure of damages.
Cottrill v. Steyning and Littlehampton Building Society, Elwes J. [1966] 1 W.L.R. 753.

DAMAGES—*continued.*

Solicitor's negligence

Divorce

Solicitor acting for wife in defending petition for divorce—Wife's desire to cross-pray for divorce—Solicitor's negligence resulting in undefended hearing of husband's petition —Decree nisi in favour of husband—Advice by counsel not to take further steps accepted by wife—Decree absolute—Counsel's advice mistaken—Whether novus actus interveniens —Whether wife entitled to damages for loss of chance to pray for divorce and maintenance—Whether damages for loss of right to claim maintenance for herself and child—Whether damages for resulting ill-health too remote.
Cook v. S., Lawton J. [1966] 1 W.L.R. 635.
C.A. [1967] 1 W.L.R. 457.

Lease

Business premises—Failure to apply for new lease under Act of 1954—Damages for breach of contract or tort—Liability for dilapidations—No evidence of value of new lease—Award of 40s.
Clark v. Kirby-Smith, Plowman J. [1964] Ch. 506; [1964] 3 W.L.R. 239.

Negotiation of underlease—Failure to explain effect of unusual covenant—Underlessees' covenant not to change use of demised premises without written consent of superior landlord—Measure of damages. **Sykes v. Midland Bank Executor and Trustee Co. Ltd.,** Paull J. [1969] 2 Q.B. 518; [1969] 2 W.L.R. 1173.

Sale of land

Property conveyed subject to covenant not to build on part—Sale price reflecting restriction—Purchaser misinformed by own solicitor that no building restriction—Purchase pursuant to wrong advice—Damage measureable by difference between market value at date of purchase and price actually paid—Special contract on measure of damages —Award of 40s. refused. **Ford v. White & Co.,** Pennycuick J. [1964] 1 W.L.R. 885.

Successive independent tortfeasors

Damage to goods

Collision between two motor-cars—Plaintiffs' car injured in previous collision—Whether defendant's liability reduced by reason of damaged condition of plaintiffs' motor-car.
Performance Cars Ltd. v. Abraham, C.A. [1962] 1 Q.B. 33; [1961] 3 W.L.R. 749.

Liability of one for full damages

Libel—Application of principle—Defamatory report in several newspapers.
Dingle v. Associated Newspapers Ltd., C.A. [1961] 2 Q.B. 162; [1961] 2 W.L.R. 523.

Personal injuries

Action for damages for leg injuries sustained in road accident—Subsequent amputation of leg owing to other causes before trial—Effect on assessment of damages arising out of original injuries—Duty of judge to consider—Whether damages to be reduced.
Baker v. Willoughby, Donaldson J. [1969] 1 Q.B. 38; [1968] 2 W.L.R. 1138.
C.A. [1970] A.C. 467; [1969] 2 W.L.R. 489.
H.L.(E.) [1970] A.C. 467; [1970] 2 W.L.R. 50.

Tax element

Compensation

Mine, for not working—Whether compensation for loss of profits or in respect of a capital asset—Railway Clauses Consolidation Act, 1845, s. 78.
Thomas McGhie & Sons Ltd. v. British Transport Commission, Phillimore J. [1963] 1 Q.B. 125; [1962] 3 W.L.R. 380.

Compensation for compulsory purchase

Damage due to severance of land—Loss of rent.
Lim Foo Yong Ltd. v. Collector of Land Revenue, P.C. [1963] 1 W.L.R. 295.

Earnings, loss of

Wrongful dismissal—Award over £5,000—Whether notional tax on first £5,000 to be deducted—Finance Act, 1960, s. 38 (3).
Bold v. Brough, Nicholson & Hall Ltd., Phillimore J. [1964] 1 W.L.R. 201.

—————————Loss of salary and commission—Whether tax which would have been payable on them must be taken into account—Finance Act, 1960, ss. 37 (1), 38 (3).
Parsons v. B.N.M. Laboratories Ltd., C.A. [1964] 1 Q.B. 95; [1963] 2 W.L.R. 1273.

Libel

Application of Gourley's case.
Lewis v. Daily Telegraph Ltd., H.L.(E.) [1964] A.C. 234; [1963] 2 W.L.R. 1063.

National insurance contributions

Personal injury — Special damages — Whether contributions which person injured would otherwise have borne deductible.
Cooper v. Firth Brown Ltd., Lawton J. [1963] 1 W.L.R. 418.

DANGEROUS DRIVING. *See* Road Traffic.

DANGEROUS MACHINERY. *See* Factory.

DANGEROUS PREMISES. *See* Negligence; Occupiers' Liability.

DEATH. *See* Fatal Accidents Acts; Husband and Wife (**Divorce**).

DEBT

Committal order

Jurisdiction to vary

Non-payment of judgment debt—Committal order suspended on payment of monthly sum —Application to increase monthly sum — County court judge's jurisdiction — Debtors Act, 1869, s. 5.
J. Cooke & Sons Ltd. v. Binding, C.A. [1961] 2 Q.B. 200; [1961] 3 W.L.R. 1.

Discharge

Clayton's case, rule in

Current account—Effect on nature of debt.
In re **Footman Bower & Co. Ltd.,** Buckley J. [1961] Ch. 443; [1961] 2 W.L.R. 667.

Current account with bank—Overdraft—Security given to bank—Subsequent payments in —Order of appropriation.
In re **Yeovil Glove Co. Ltd.,** Plowman J. [1963] Ch. 528; [1962] 3 W.L.R. 900.
C.A. [1965] Ch. 148; [1964] 3 W.L.R. 406.

———————————Security given to bank—Subsequent payments in—Order of appropriation.
In re **Thomas Mortimer Ltd.,** Romer J. [1965] Ch. 186; [1964] 3 W.L.R. 427.

Payment by cheque

Acceptance by plaintiff in discharge of part of debt—Judgment signed subsequently for whole debt—Cheque met on presentation—Whether plaintiff's remedies suspended by acceptance of cheque—Whether judgment irregular—Costs of setting judgment aside—Costs thrown away—Entitlement to—R.S.C., Ord. 13, r. 3.
Bolt & Nut Co. (Tipton) Ltd. v. Rowlands Nicholls & Co. Ltd.,
C.A. [1964] 2 Q.B. 10; [1964] 2 W.L.R. 98.

DECEIT. *See* Fraud.

DECLARATION. *See* Practice.

DEED. (*See also* Partnership.)

Construction

Conveyance

Plan—Parcels ambiguous—Plan attached to conveyance—No reference in conveyance to plan—Evidence leaving court in doubt as to land included in parcels—Whether reference may be made to plan.
Leachman v. L. & K. Richardson Ltd., Cross J. [1969] 1 W.L.R. 1129.

Extrinsic evidence. See Contract.

Misdescription of instrument

" Assent " operating as conveyance of fee simple.
In re **Stirrup's Contract,** Wilberforce J. [1961] 1 W.L.R. 449.

Escrow

Lease

Company's seal affixed to lease—Lease signed by company's secretary and director but retained by company—Counterpart executed and delivered—Licence for lease refused by head landlords—Whether intention of persons managing company relevant—Whether lease executed as an escrow—Law of Property Act, 1925, s. 74.
D'Silva v. Lister House Development Ltd., Buckley J. [1970] 2 W.L.R. 563.

Counterpart lease executed by tenant company—" Delivery " as an escrow to company's solicitors—Condition that agreement be reached as to date of possession and apportionment of rent—Condition fulfilled at hearing of action—Whether lease binding.
Vincent v. Premo Enterprises (Voucher Sales) Ltd.,
C.A. [1969] 2 Q.B. 609; [1969] 2 W.L.R. 1256.

Lease executed by landlord company—Delivery for counterpart—Whether landlord bound to exchange lease for counterpart.
Beesly v. Hallwood Estates Ltd., C.A. [1961] Ch. 105; [1961] 2 W.L.R. 36.

DEED—*continued.*
Mistake
Non est factum. See Contract.

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Whether an "instrument in writing"
Appointment of receiver. **Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd.,** C.A. [1961] Ch. 88; [1961] 2 W.L.R. 196.

DELEGATUS NON POTEST DELEGARE. *See* Crown (Minister).

DE MINIMIS
Contract
Charterparty
Whether full cargo loaded—Deficiency of under ·1 per cent.—Whether de minimis—Whether rule applicable in claim for damages—Finding of arbitrator—Whether binding on court—Mixed question of fact and law.
Margaronis Navigation Agency Ltd. v. Henry W. Peabody & Co. of London Ltd., Roskill J. [1965] 1 Q.B. 300; [1964] 3 W.L.R. 111.
C.A. [1965] 2 Q.B. 430; [1964] 3 W.L.R. 873.

Crime
Obstruction to highway
Bookshelves—Criminal. **Seekings v. Clarke,** Divl.Ct. (1961) 59 L.G.R. 268.

Display of fruit and vegetables in front of shop for 25 years—Two foot projection.
Hinchon v. Briggs, Divl.Ct. (1963) 61 L.G.R. 315.

Display of vegetables 11 inches wide.
Wolverton Urban District Council v. Willis (Trading as S. G. Willis & Sons), Divl.Ct. [1962] 1 W.L.R. 205.

Planning permission
Delineation on plan
Whether 3 inches departure de minimis. **Robert Russell Developments Ltd. v. Buckinghamshire County Council,** Widgery J. (1963) 61 L.G.R. 483.

DESERTION. *See* Husband and Wife.

DETINUE
Bailee by
Loss of goods
Burden of proof—Liability of bailee. **Houghland v. R. R. Low (Luxury Coaches) Ltd.,** C.A. [1962] 1 Q.B. 694; [1962] 2 W.L.R. 1015.

Damages
Form of order
Summary judgment for return of chattel or recovery, "its value and damages to be assessed"—Damages only assessed by master—Effect—Separate assessment of value of goods and damages necessary—Right to apply for specific restitution of chattel—Distinction between causes of action in detinue and conversion.
General and Finance Facilities Ltd. v. Cooks Cars (Romford) Ltd., C.A. [1963] 1 W.L.R. 644.

Demand for return of chattel
Obligation on bailee
Hire-purchase agreement—Wrongful termination by owner—Chattel remaining in hirer's possession—Demand by owner for return of chattel to specified address—Claim in detinue—No duty in hirer to return chattel to owner in absence of contract.
Capital Finance Co. Ltd. v. Bray, C.A. [1964] 1 W.L.R. 323.

Execution
Tender of delivery
Judgment for return of boilers or recovery of their value—Boilers lying in mill under control of third party—Necessity to dismantle for removal—No intimation by defendant to plaintiffs that boilers at their disposal—Whether defendant under duty to make such intimation—Whether plaintiffs entitled to levy execution for value of boilers.
Metals & Ropes Co. Ltd. v. Tattersall, C.A. [1966] 1 W.L.R. 1500.

Exhibits in action
Retention by one party
Plaintiffs' exhibits allegedly detained and/or converted by defendants—Whether defendants obtained unfair advantage in action—Whether plaintiffs entitled to damages (including exemplary damages) and delivery of reports on exhibits—Assessment of damages—R.S.C., Ord. 37. **Sir Robert McAlpine & Sons Ltd. v. Minimax Ltd.,** Thesiger J. [1970] 1 Lloyd's Rep. 397.

DETINUE—*continued.*

Mitigation

Hire-purchase agreement

Prohibition against assignment—Sale of goods by hirer and dealers—Measure of damages on resale—Whether value of goods recoverable—Whether more than amount outstanding on hire-purchase price recoverable.
Wickham Holdings Ltd. v. Brooke House Motors Ltd., C.A. [1967] 1 W.L.R. 295.

Pledged goods

Warehousemen in actual possession of goods

Constructive possession in pledgees—Delivery order served on warehousemen by pledgees—Change in possession. **Alicia Hosiery Ltd. v. Brown Shipley & Co. Ltd.**, Donaldson J. [1970] 1 Q.B. 195; [1969] 2 W.L.R. 1268.

DIPLOMATIC IMMUNITY. *See* CONFLICT OF LAWS (**Sovereign immunity**).

DISCOVERY. *See* PRACTICE.

DISCRIMINATION

Race

High Court Jurisdiction

Allegation of unlawful discrimination by council—Council seeking declaration that discrimination not unlawful—Whether High Court jurisdiction ousted by Act of 1968—Race Relations Act, 1965, ss. 5, 6—Race Relations Act, 1968, ss. 1 (1), 5 (*a*) (*c*), 19 (1) (10).
Ealing London Borough Council v. Race Relations Board, Swanwick J. [1970] 3 W.L.R. 921.

"National origins"

Council housing available only to British subjects—Whether discrimination on ground of national origins—High Court jurisdiction to entertain proceedings for declaration—Proceedings by discriminator against board—Whether person discriminated against proper party—Race Relations Act, 1965, ss. 5, 6—Race Relations Act, 1968, ss. 1 (1), 5 (*a*) (*c*), 19 (1) (10). **Ealing London Borough Council v. Race Relations Board**, Swanwick J. [1970] 3 W.L.R. 921.

Procedure

Whether civil action by private individual lies—Application for injunction—Race Relations Act, 1965, ss. 3, 6. **Thorne v. British Broadcasting Corpn.**, C.A. [1967] 1 W.L.R. 1104.

Sex

Family provision

Widower—Whether entitled to treatment equal to that of widow—Historic change in nature of sex potential to work.
In re **Clayton, decd.**, Ungoed-Thomas J. [1966] 1 W.L.R. 969.

Right to work

Whether woman entitled to train racehorses—Sex Disqualification (Removal) Act, 1919, s. 11. **Nagle v. Feilden**, C.A. [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027.

DIVISIONAL COURT. *See* HUSBAND AND WIFE (**Justices**; *Appeal from*); JUSTICES.

DIVORCE. *See* HUSBAND AND WIFE.

Costs. *See* LEGAL AID (**Costs**).

Legal aid. *See* LEGAL AID (**Costs**).

DOCK

Bad berth

Liability of authority

Negligence—Exceptions clause. **The Ballyalton**, Karminski J. [1961] 1 W.L.R. 929.

"Dock estate"

Port Talbot

New harbour and jetty built adjacent to old harbour—Whether part of port—Discharging ore in continuous operation involving work with unloaders, belt conveyor system and primary boom-stacker in stockyard—Stacking in stockyard—Whether dock work ordinarily performed by dock workers at Port Talbot—"Dock work"—"Discharging from ship"—Dock Labour Scheme for South Wales Ports (1942) App. (4)—Port of Port Talbot Registration Amended Scheme (1943) Sch., para. 1 (1) (a)—Dock Workers (Registration of Employment) Act, 1946, s. 2 (5) (6)—Dock Workers (Registration of Employment) (Amendment) Order, 1967, Sch. 2, App. IM. (4).
British Steel Corpn. v. National Dock Labour Board, D.C. [1970] 2 Lloyd's Rep. 137; 8 K.I.R. 1120.

Dock workers

"Decasualisation scheme"

Extent of Minister's powers—Receiving and first piling of timber at importers' yard "in vicinity of" docks but outside area of port as defined—Whether "dock work"—Whether work on "cargo"—Dock Workers (Regulation of Employment) Act, 1946—Docks and Harbours Act, 1966—Dock Workers (Regulation of Employment) (Amendment) Order, 1967, Sch. 2.
National Dock Labour Board v. John Bland & Co. Ltd., D.C. [1969] 3 W.L.R. 1063.

DOCK—*continued.*

Dock workers—*continued.*

" Decasualisation scheme "—continued.

Preliminary stacking of imported timber in docks area—Subsequent first piling of timber at importers' yard " in vicinity of " docks but outside docks area—Whether " dock work "—Whether work on " cargo "—Dock Workers (Regulation of Employment) Act, 1946, s. 6—Docks and Harbours Act, 1966, ss. 1, 53, 58—Dock Workers (Regulation of Employment) (Amendment) Order, 1967, Sch. 2.
National Dock Labour Board v. John Bland & Co. Ltd., C.A. [1970] 2 Q.B. 333; [1970] 2 W.L.R. 1251.

Worker allocated by dock labour board to employer—Worker given identity card and assigned to ship—Subsequent discovery that worker not union member—Whether already " employed " by employer—Whether scheme ultra vires Act of 1946—Dock Workers (Regulation of Employment) Act, 1946, s. 1 (1)—Dock Workers (Regulation of Employment) (Amendment) Order, 1967, Sch. 2.
Taylor v. Furness, Withy & Co. Ltd., Brabin J. (1969) 6 K.I.R. 488; [1969] 1 Lloyd's Rep. 324.

Port transport

Waterside manufacturers carrying on loading and unloading operations from and into ships—Labour scheme equating " port transport work " with " dock work "—" Port transport work " not to include work of " waterside manufacturers " except where that of " a public wharfinger . . . and/or master stevedore "—Whether within exception—Whether " dock work "—Docks and Harbours Act, 1966, s. 58 (1)—Dock Workers (Regulation of Employment) (Amendment) Order, 1967, Sch. 2.
Bowaters United Kingdom Paper Co. Ltd. v. National Dock Labour Board, D.C. (1970) 8 K.I.R. 1014; [1970] 1 Lloyd's Rep. 492.

Harbour

Dues

Election by harbour authority not to exercise statutory rights in rem to recover dues—Effect on priorities. **The Charger,** Karminski J. [1968] 1 W.L.R. 1707.

Local by-law

Vessel with no engine and wheel-house towed into harbour—Request by harbour-master to owner to remove vessel refused—" Laid by or neglected as unfit for sea service "—Whether one or two offences—Whether contravention of Ilfracombe Harbour By-laws, 8—Harbours, Docks and Piers Clauses Act, 1847, s. 57.
Hamer v. Irwin, D.C. [1970] 1 Lloyd's Rep. 496.

Mooring rights

Tidal creek—Laying of permanent mooring—Whether ordinary incident of navigation—Whether common law right. **Fowley Marine (Emsworth) Ltd. v. Gafford,** Megaw J. [1967] 2 Q.B. 808; [1967] 2 W.L.R. 1461.

Quay

Cranes—Provision by corporation as port authority—Cranes used by public—Subsequently restricted to corporation's own stevedoring department—Whether public entitled to use cranes on payment of rate—Harbours, Docks, and Piers Clauses Act, 1847, ss. 22, 33—Wisbech Corporation Act, 1889, s. 30.
Garland & Flexman v. Wisbech Corpn., Diplock J. [1962] 1 Q.B. 151; [1961] 3 W.L.R. 755.

Port authority

Buoying of wreck

Collision between submerged wreck and vessel navigating port—Alleged wrong type and position of buoy—Whether duty owed by port authority to users of port—Whether duty by port authority to users of port—Whether duty applied to non-feasance—Liability of port authority—Dockyard Port of Portsmouth Order, 1960, Sch. 2, r. 10.
The Tramontana II, Brandon J. [1969] 2 Lloyd's Rep. 94.

Powers

Contract—Disposal of graving dock by port authority—Sale to lowest bidder—Whether proper exercise of discretion by authority—Whether contrary to the public policy—Tees and Hartlepools Port Authority Act, 1966, ss. 12, 14 (3).
Wilson, Walton International (Offshore Services) Ltd. v. Tees and Hartlepools Port Authority, Buckley J. [1969] 1 Lloyd's Rep. 120.

Regulations

Hatch covering

Defective hatch cover—Dock workers' fall on stepping on to cover—Whether breach of absolute duty—Liability of shipowner—Dock Regulations, 1934, reg. 15.
Barker v. Anders Stokka, Blain J. [1969] 1 Lloyd's Rep. 319.

Safe means of access

Mustard seed on 'tween deck—Stevedore injured while proceeding from main deck to lower hold—Whether regulation 11 applied to approach to or from ladder—Applicability where means of access consisted of sections of ladder—Docks Regulations, 1934, reg. 11.
McCarthy v. Hellenic Lines Ltd., Willis J. [1968] 1 Lloyd's Rep. 537.

Unloading of cargo

Injury to dock worker—Whether shipowner under duty to comply with regulations—Docks Regulations, 1934, reg. 41.
Mullis v. United States Lines Co., Browne J. [1969] 1 Lloyd's Rep. 109.

DOCK—*continued.*

Safe means of access

Lighting

Deck-hand's fall on dunnage at night—Liability of shipowner—Docks Regulations, 1934, regs. 9, 12. **Winstanley v. T. & J. Harrison Ltd.**, C.A. [1968] 2 Lloyd's Rep. 119.

Trespass

Wharf

Wrongful mooring of dredger to wharves—Subsequent collapse of wharves—Whether due to mooring of dredger—Burden of proof.
Featherstones Ltd. v. London Dredging Co. Ltd., Fisher J. [1968] 2 Lloyd's Rep. 592.

DOCTOR. *See* MEDICAL PRACTITIONER.

DOG. *See* ANIMAL.

DOMICILE. *See* CONFLICT OF LAWS.

DOMINION. *See* COLONY; PARLIAMENT; STATUTE.

DRAINAGE. *See* LAND DRAINAGE.

EASEMENT

Common rights. *See* COMMON RIGHTS.

Implied grant

Boundary fence

Obligation to repair or maintain—Whether a quasi-easement—Whether obligation to repair binding—Whether a duty to maintain sheep-proof fence—Whether defence to sheep trespass—Law of Property Act, 1925, s. 62 (1).
Crow v. Wood, C.A. [1970] 3 W.L.R. 516.

Necessity of

Ventilation

Lease of cellar premises as "popular restaurant"—Tenant's covenants for ventilation and compliance with health regulations—Ventilation system required at time of lease—Whether tenant entitled to instal air duct on landlord's property outside premises.
Wong v. Beaumont Property Trust Ltd., C.A. [1965] 1 Q.B. 173; [1964] 2 W.L.R. 1325.

Prescription

Adverse possession

Rights of way and rights of user over hotel garden forming part of gardens of private square—Right to use gardens of square held in common with other occupiers of square—Gardens fenced off for more than 30 years—Hotel garden used exclusively by inhabitants of hotel for more than 12 years—Fencing—Equivocal act—Intention of—Whether sufficient to establish animus possidendi against freeholder.
George Wimpey & Co. Ltd. v. Sohn, C.A. [1967] Ch. 487; [1966] 2 W.L.R. 414.

Boundary fence

Obligation to repair or maintain — Whether a quasi-easement — Whether agreement to repair binding—Whether capable of running with land—Whether a duty to maintain cattle-proof fence—Acquired by prescription—Whether by immemorial usage—Whether presumption of lost grant.
Jones v. Price, C.A. [1965] 2 Q.B. 618; [1965] 3 W.L.R. 296.

Permission

Effect of permission by occupier of servient tenement—Access to adjoining property to maintain wall—Interruption not acquiesced in—No permission by fee simple owner—Prescription Act, 1832, ss. 2, 4.
Ward v. Kirkland, Ungoed-Thomas J. [1967] Ch. 194; [1966] 1 W.L.R. 601.

Private way for vehicles—Access from dominant to servient tenement over intervening land—Permission granted by occupier of intervening land to pass over his land—Servient tenement sufficiently close to be appurtenant to and for benefit of dominant tenement—Whether right of way acquired.
Pugh v. Savage, C.A. [1970] 2 Q.B. 373; [1970] 2 W.L.R. 634.

User of drive for access to bungalow—Antecedent parol consent—Whether so continued—New user—Whether user for 20 years as of right—Whether presumption of lost modern grant—Prescription Act, 1832, s. 2. **Healey v. Hawkins**, Goff J. [1968] 1 W.L.R. 1967.

EASEMENT—*continued.*

Prescription—*continued.*

Right of way

Dominant tenement used as caravan site—Increased number of caravans—Whether increased use of right outside prescriptive title—No change in dominant tenement from increased user.
British Railways Board v. Glass, Ungoed-Thomas J. [1964] 1 W.L.R. 294.
C.A. [1965] Ch. 538; [1964] 3 W.L.R. 913.

Long user—Tenancy of servient tenement in existence during prescriptive period—Granted after beginning of period—Effect—Whether fatal to presumed grant or claim under Prescription Act, 1832.
Pugh v. Savage, C.A. [1970] 2 Q.B. 373; [1970] 2 W.L.R. 634.

Uninterrupted user over 20 years—Dominant owner's servants and suppliers use of passage—Conveyance of land to improve access—Whether conveyance operated as implied grant of right of way—Whether right of way extended to use by dominant owner's customers—Posts erected on servient owner's land thereby affecting access—Whether derogation of grant.
Woodhouse & Co. Ltd. v. Kirkland (Derby) Ltd., Plowman J. [1970] 1 W.L.R. 1185.

Right to light

Obstruction by addition to servient tenement—Diminution of light to dominant tenement—Action for nuisance—Former tests of adequate lighting satisfied—Judge viewing premises and applying modern standards of improved lighting—Award of damages for infringement—Whether test of adequacy "according to ordinary notions of mankind" to reflect improved standards of lighting. **Ough v. King,** C.A. [1967] 1 W.L.R. 1547.

Protection from weather

Whether an easement

Whether a right known to law—"Easements, rights and advantages appertaining . . . to the land"—Law of Property Act, 1925, s. 62.
Phipps v. Pears, C.A. [1965] 1 Q.B. 76; [1964] 2 W.L.R. 996.

Right of way

Construction

Grant of 1901—Right to "pass and repass through over and along" yard of servient tenement "with or without horses carts and carriages"—Premises used as shop at date of grant—Whether grant importing right of vehicles to stop for reasonable time to load and unload.
McIlraith v. Grady, C.A. [1968] 1 Q.B. 468; [1967] 3 W.L.R. 1331.

Whether limited by existing physical characteristics—Express grant of "right of way"—No precise definition of quality of grant—Strip of land 20 feet wide by 130 feet long—Existing entrance four foot six inches wide—Whether right of way for all purposes—Whether a footway only.
Keefe v. Amor, C.A. [1965] 1 Q.B. 334; [1964] 3 W.L.R. 183.

Dominant tenement, identification of

Conveyance of land to "north of land recently sold by the vendor to" the purchasers — Grant of right of way to purchasers "and their successors in title" — Dominant tenement not identified in terms—Whether sufficiently identified—Whether evidence of purchasers' intended future use of land admissible—Whether right of way appurtenant to land previously purchased.
The Shannon Ltd. v. Venner Ltd., C.A. [1965] Ch. 682; [1965] 2 W.L.R. 718.

Equitable rights of passage

Proprietary estoppel—Whether "equitable easement"—Whether registrable as land charge—Law of Property Act, 1925, s. 199—Land Charges Act, 1925, ss. 10 (1), 13 (2).
E. R. Ives Investment Ltd. v. High, C.A. [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789.

Excessive user

Access to business premises—Increased use of access by servants, suppliers and customers—Whether increased user reasonable business user.
Woodhouse & Co. Ltd. v. Kirkland (Derby) Ltd., Plowman J. [1970] 1 W.L.R. 1185.

Damage by one dominant owner to servient tenement—Whether other dominant owner entitled to sue him for physical damage to servient tenement.
Weston v. Lawrence Weaver Ltd., Lawton J. [1961] 1 Q.B. 402; [1961] 2 W.L.R. 192.

Grant of right of way "at all times and for all purposes . . . in common with all other persons having the like right"—Land in agricultural use at time of grant—Grant to one user of planning permission for camping site—Whether right of way entitling grantee to use way for caravans—Whether contemplated user by 200 units on caravan site excessive—Whether likely to interfere with or cause nuisance to other persons having the like right. **Jelbert v. Davis,** C.A. [1968] 1 W.L.R. 589.

Highway. See HIGHWAY.

EASEMENT—*continued.*

Right of way—*continued.*

Implied grant

Lease of shop premises—Access to shop back entrance through landlord's courtyard—Renewal of lease—User restricted to business hours and sometimes refused by landlord—Whether right of way appertaining or reputed to appertain, etc., to demised land—Whether "contrary intention" expressed in lease—Law of Property Act, 1925, s. 62. **Green v. Ashco Horticulturist Ltd.,** Cross J. [1966] 1 W.L.R. 889.

Reservation to former equitable owner in grant

Dominant tenement not specified in deed—Whether extrinsic evidence admissible to identify—Effect of reservation to former equitable owner—Whether a regrant of a legal easement. **Johnstone v. Holdway,** C.A. [1963] 1 Q.B. 601; [1963] 2 W.L.R. 147.

Reservation to vendor in grant

Access roads—Whether construed against purchaser as grantor—Law of Property Act, 1925, s. 65 (1). **Cordell v. Second Clanfield Properties Ltd.,** Megarry J. [1969] 2 Ch. 9; [1968] 3 W.L.R. 864.

Right to maintain wall

Whether an easement

Undue interference with use by servient owner of his property.
Ward v. Kirkland, Ungoed-Thomas J. [1967] Ch. 194; [1966] 1 W.L.R. 601.

Sewage and drainage

Drains laid in adjoining property

Permission by fee simple owner and occupier—Equity by estoppel—Whether extended to sewage. **Ward v. Kirkland,** Ungoed-Thomas J. [1967] Ch. 194; [1966] 1 W.L.R. 601.

Right to "lay and maintain drains" and to enter land and open up for purposes of laying maintaining and repairing drains—Whether drainage pipe becoming part of freehold—Whether grantee entitled to exclusive use.
Simmons v. Midford, Buckley J. [1969] 2 Ch. 415; [1969] 3 W.L.R. 168.

Right arising at uncertain date in future

Right to use sewers and drains "now passing or hereafter to pass" under private road—No sewers and drains in existence at date of grant—Whether void for perpetuity—Law of Property Act, 1925, s. 162 (1) (*d*) (iv).
Dunn v. Blackdown Properties Ltd., Cross J. [1961] Ch. 433; [1961] 2 W.L.R. 618.

EASTERN AFRICA

Aden

Mohammedan law

Gift inter vivos—House property—Conditions essential to validity of gift—Taking of possession by donee—Intention of donor paramount—Irrelevant that donor and donee both continue to reside in house after gift.
Gulab v. Khaleq, P.C. [1964] 1 W.L.R. 47.

Company

Winding up

Fraud reported by official receiver—Order of court directing public examination of directors—Nature of prima facie case of fraud in official receiver's report—Companies Ordinance (Laws of Uganda, 1951, c. 212), s. 214 (1).
Tejani v. Official Receiver, P.C. [1963] 1 W.L.R. 59.

Kenya

Contract

Lease of godown—Oral negotiations—Principal and agent—Notice to other party of limitation of agent's authority—No concluded contract until ratification by principal—Withdrawal before ratification.
Warehousing & Forwarding Co. of East Africa Ltd. v. Jafferali & Sons Ltd., P.C. [1964] A.C. 1; [1963] 3 W.L.R. 489.

Evidence

Document creating lien, mortgage or charge—Document merely right to obtain another document affecting rights of lien, mortgage or charge—Equitable mortgage by deposit of documents of title—Whether admissible—Equitable Mortgages Ordinance, s. 2—Crown Lands Ordinance, ss. 127 (2), 129.
National & Grindlays Bank Ltd. v. Kentiles Ltd., P.C. [1967] 1 A.C. 207; [1966] 1 W.L.R. 348.

Homicide

Death in course of sexual embrace—Degree of force used unlawful—Manslaughter—Penal Code, ss. 5, 198, 199, 202.
Reg. v. Sharmpal Singh, P.C. [1962] A.C. 188; [1962] 2 W.L.R. 238.

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Kenya—*continued.*

Instrument

Validity—Effect of non-attestation—Overdraft facilities granted by bank on security of letter of hypothecation giving bank power to sieze stock-in-trade debtors—Grantors' signatures not attested—Whether letter of hypothecation valid as between parties—(Kenya) Chattels Transfer Ordinance, 1930, ss. 4, 15.
National and Grindlays Bank Ltd. v. Dharamshi Vallabhji, P.C. [1967] 1 A.C. 207; [1966] 3 W.L.R. 294.

Land in Highlands

Mortgage to company—Whether company a "person"—Whether consents of Land Control Board and Governor required—Validity of mortgage—Land Control Ordinance, s. 7—Land Control (Amendment) Ordinance, 1949, s. 2—Crown Lands Ordinance, s. 88.
National & Grindlays Bank Ltd. v. Kentiles Ltd., P.C. [1966] 1 W.L.R. 348.

Mortgage

Debenture in favour of mortgagee—Implied obligation to provide memorandum of deposit of title deeds—Whether sufficient to satisfy statutory requirement of registration—Equitable Mortgages Ordinance, s. 2—Crown Lands Ordinance, ss. 127 (2), 129.
National & Grindlays Bank Ltd. v. Kentiles Ltd., P.C. [1966] 1 W.L.R. 348.

Enforcement—No claim for personal decree—Valid charge against property—Failure to prove execution of charge—Objection to admissibility—Waiver—Execution provision superseded by registration of charge—Indian Evidence Act, 1872 (as applied to Kenya), s. 68—Registration of Titles Ordinance, c. 160, ss. 1 (2), 23, 32.
Popatlal v. Visandji, P.C. [1962] A.C. 715; [1962] 3 W.L.R. 374.

Revenue

Income tax—Assessment—Additional assessment on ground of fraud—Repeal of taxing Act—Introduction of parts of new Act into repealed Act—Effect—Whether "legal proceedings . . . pending"—East African Income Tax (Management) Act, 1952, ss. 40, 72, 74, 77 (5), 78 (1) (6)—East African Income Tax (Management) Act, 1958, ss. 101, 151, 152, Sch. 5, para. 1, proviso (*a*).
Rattan Singh v. Comr. of Income Tax, P.C. [1967] 1 W.L.R. 625.

————Assessment, appeal against—Non-compliance with procedural rules—Application by commissioner to strike out appeal—Inherent power of court—East African Income Tax (Management) Act, 1958 (High Commissioner Act, No. 10 of 1958), ss. 109, 110 (3) (*b*), 111 (1)—Income Tax (Appeal to Kenya Supreme Court) Rules, 1959, rr. 5, 18 (1) (2). **Vincenzini v. Regional Comr. of Income Tax,** P.C. [1963] A.C. 459; [1963] 2 W.L.R. 429.

Mohammedan law. (*See also* **Aden.**)

Wakf

Validity—Wakf in favour of adopted children and their issue—Whether valid under section 4 of the Wakf Commissioners Ordinance of 1951—Whether wakf one for "maintenance and support" of any person under section 4 (1) (*a*) of the Ordinance—Whether "any person" includes adopted children and/or their issue—Whether wakf valid in part—Wakf Commissioners Ordinance, 1951 (No. 30 of 1951), s. 4 (1).
Riziki v. Sharifa, P.C. [1964] A.C. 12; [1963] 2 W.L.R. 475.

Tanganyika

Landlord and tenant

Certificate of occupancy—Failure to comply with conditions—Revocation—No notice specifying breach complained of—Validity of revocation—Whether English legislation incorporated in the law of Tanganyika binds the Crown—Conveyancing and Law of Property Act, 1881, s. 14 (1)—Land (Law of Property and Conveyancing) Ordinance, 1923 (Laws of Tanganyika, 1947 Rev. c. 114), s. 2 (1)—Land Ordinance, 1923 (Laws of Tanganyika, 1947 Rev., c. 113), s. 10 (*f*).
Premchand Nathu & Co. Ltd. v. Land Officer, P.C. [1963] A.C. 177; [1963] 2 W.L.R. 99.

Limitation of actions

Acknowledgment—Debt—Period of limitation elapsed—Signatures of directors to company's balance sheets acknowledging debt—Balance sheets signed many months after date to which made up—Whether acknowledgments of existing debt as at the date of signature—Whether effective acknowledgments—Indian Limitation Act, 1908, ss. 19, 20.
Consolidated Agencies Ltd. v. Bertram Ltd., P.C. [1965] A.C. 470; [1964] 3 W.L.R. 671.

Revenue

Income tax—Premium and royalty for occupancy right of sisal estate—Whether capital or revenue expenditure—East African Income Tax (Management) Act, 1952, s. 14 (1).
Ralli Estates Ltd. v. Income Tax Comr., P.C. [1961] 1 W.L.R. 329.

————Settlement—Settlor a trustee—Whether "able to have access" to income of settlement—Settlement not revocable—Settlor not assessable on income of settled fund—East African Income Tax (Management) Act, No. 10 of 1958, s. 25 (2) (4).
Naranjee v. Income Tax Comr., P.C. [1964] A.C. 1238; [1964] 2 W.L.R. 1052.

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Uganda

Damages

Quantum—Fatal accident—Dependent children—Assessment and apportionment of damages—On broad lines—Accurate estimate not obtainable with mathematical precision.
Kassam v. Kampala Aerated Water Co. Ltd., P.C. [1965] 1 W.L.R. 668.

Land transfer

Mailo land—Leased by registered proprietor to non-African—Absence of necessary statutory consent—Lessor's claim to possession—Lessee in illegal occupation—Parties not in pari delicti—Public policy—Land Transfer Ordinance (Laws of Uganda, 1951 Rev., c. 114), s. 2.
Amar Singh v. Kulubya, P.C. [1964] A.C. 142; [1963] 3 W.L.R. 513.

Legislative Council

Constitution—No fundamental or major changes effected by Additional Royal Instructions of 1957—Election of members to represent Buganda—Compliance with Second Schedule to Buganda Agreement, 1955—Rules relating to construction of statutes applicable in construing Second Schedule—White Paper not admissible in evidence.
Katikiro of Buganda v. Attorney-General, P.C. [1961] 1 W.L.R. 119.

ECCLESIASTICAL LAW

Annual parochial church meeting

Bishop's powers

Meeting convened solely to elect members to parochial church council and representatives to ruri-decanal conference—Vicar refused to allow motion to adjourn meeting—Whether election of members valid—Whether High Court jurisdiction ousted by right of appeal to bishop—Representation of the Laity Measure, 1956, Sch., rr. 5 (1), 6 (1), 8, 12 (1), 27 (1), 31 (1) (2). **Mulholland v. St. Peter, Roydon, Parochial Church Council,** Pennycuick J. [1969] 1 W.L.R. 1842.

Consistory court

Jurisdiction

Mandatory order. *In re* **St. John-in-Bedwardine, Worcester,** Ct. of Arches [1962] P. 20; [1961] 3 W.L.R. 69.

Unconsecrated yard surrounding church. *In re* **St. John's Church, Bishop's Hatfield,** St. Alban's Const.Ct. [1967] P. 113; [1966] 2 W.L.R. 705.

Ecclesiastical leases

College property

Whether common law power restricted—Ecclesiastical Leases Act, 1571, s. 3.
Eton College v. Minister of Agriculture, Fisheries and Food, Wilberforce J. [1964] Ch. 274; [1962] 3 W.L.R. 726.

Ecclesiastical property

Church yard

Land conveyed to church commissioners as site of church—Yard to be devoted when consecrated to ecclesiastical purposes for ever—Whether "curtilage" of church—Faculty Jurisdiction Measure, 1964, s. 7. *In re* **St. John's Church, Bishop's Hatfield,** St. Alban's Const.Ct. [1967] P. 113; [1966] 2 W.L.R. 705.

Conveyance

Place of worship—Conveyance of land for site of Methodist church—Not expressed to be made under Places of Worship Sites Act, 1873—Statutory form of conveyance not made use of—Option to purchase reserved to grantor, his heirs or assigns—Use as Sunday school—Statutes of Mortmain not complied with—Whether conveyances made under Places of Worship Sites Act, 1873—Title trustees to convey to purchasers—Places of Worship Sites Act, 1873, s. 1.
Imperial Tobacco Co. (of Great Britain and Ireland) Ltd. v. Wilmott, Danckwerts L.J. [1964] 1 W.L.R. 902.

Disposition

Equity by estoppel creating interest in glebe land—Not a "disposition" requiring consent—Rector as fee simple owner giving permission to insert drains in glebe land—Ecclesiastical Leasing Act, 1858.
Ward v. Kirkland, Ungoed-Thomas J. [1967] Ch. 194; [1966] 1 W.L.R. 601.

Faculty

Altar, erection of

Whether sufficiency of architectural and theological objections—Vestry and church hall as extension to church—Car park in churchyard—Whether environmentally suitable.
In re **St. Peter, Roydon,** H. H. V. Forbes Q.C., Ch. [1969] 1 W.L.R. 1849.

Appeal

Refusal of faculty by consistory court—Function of appellate court.
In re **St. Edburga's, Abberton,** Ct. of Arches [1962] P. 10; [1961] 3 W.L.R. 87.

ECCLESIASTICAL LAW—*continued.*

Faculty—*continued.*

Aumbry

Reservation—Whether reservation of the Blessed Sacrament legal—Whether reservation should be centrally over or at the side of the altar—Restrictions in deposited Prayer Book of 1928—Present effect—Prayer Book (Alternative and Other Services) Measure, 1965, s. 1. *In re* **St. Peter and St. Paul, Leckhampton,** Garth Moore Ch. [1968] P. 495; [1968] 2 W.L.R. 1551.

Burial ground

Disturbance of—Proposed use of churchyard for road improvements—Public interest—Considerations justifying. *In re* **St. Mary the Virgin,** Woodkirk, Ch.Ct. York [1969] 1 W.L.R. 1867.

Erection of building on disused burial ground—Provision of ancillary facilities for the congregation in connection with services—Whether erection of building "enlargement" of existing church—Disused Burial Grounds Act, 1884, s. 3. *In re* **St. Mary's, Luton,** St. Alban's Const.Ct. [1967] P. 151; [1966] 3 W.L.R. 532.
Ct. of Arches [1968] P. 47; [1966] 3 W.L.R. 1171.

Erection of electricity sub-station on disused burial ground—Jurisdiction of court—Cemetery—Disused burial ground—"Building"—Meaning—Electricity sub-station—Disused Burial Grounds Act, 1884, s. 3—Open Spaces Act, 1887, s. 4. *In re* **St. Peter the Great, Chichester,** Buckle Ch. [1961] 1 W.L.R. 907.

Communion vessel

Sale—Jurisdiction to authorise. *In re* **St. Mary's, Gilston,** St. Alban's Const.Ct. [1967] P. 125; [1966] 2 W.L.R. 697.

———Whether jurisdiction to authorise sale on open market—Whether discretion to authorise should be exercised. *In re* **St. Mary's, Westwell,** Lord Dunboyne Com.Gen. [1968] 1 W.L.R. 513.

Headstone

Erection of memorial stone in churchyard—Material not in keeping with church and churchyard walls—Policy of restricting materials of memorials to those in keeping with church and churchyard and each other—Whether reasonable—Discretion of court to refuse faculty. *In re* **St. Paul, Hanging Heaton,** Graham Ch. [1968] 1 W.L.R. 1210.

Erection of white marble headstone bearing inscription in churchyard—Court's approach—Importance of appearance for posterity. *In re* **St. Peter, Kineton,** Judge Gage Ch. [1967] 1 W.L.R. 347.

Mandatory order made by chancellor

Excess of jurisdiction. *In re* **St. John-in-Bedwardine, Worcester,** Ct. of Arches [1962] P. 20; [1961] 3 W.L.R. 69.

Ornaments

Pyx—Baldachino—Reservation—Reservation of Blessed Sacrament in a pyx hanging from a baldachino—Legality. *In re* **St. Nicholas, Plumstead,** Garth Moore Ch. [1961] 1 W.L.R. 916.

Sanctuary lamp on altar—Whether legal ornament. *In re* **All Saints, Leamington Priors,** Coventry Const. Ct. [1963] 1 W.L.R. 806.

Parties

Whether Minister of Aviation a competent petitioner. *In re* **St. James's, Bishampton,** Boydell Ch. [1961] 1 W.L.R. 257.

Petition

Citation not issued in parish affected—Faculty a nullity. *In re* **St. Michael the Archangel, Brantham,** Bain Ch. [1962] 1 W.L.R. 1067.

Prayers for the dead

Erection of tombstone over grave in churchyard bearing inscription "Pray for the repose of the soul of Oswald Smith"—Inscription not offensive to parishioners. *In re* **St. Mary The Virgin, Ilmington,** Const.Ct. [1962] P. 147; [1962] 2 W.L.R. 572.

Removal of church spire

Jurisdiction of ecclesiastical court. *In re* **St. Edburga's, Abberton,** Ct. of Arches [1962] P. 10; [1961] 3 W.L.R. 87.

Secular purpose

Use of consecrated land—Jurisdiction of consistory court. *In re* **St. John's, Chelsea,** London Const.Ct. [1962] 1 W.L.R. 706.

————————Road improvement—Public interest—Jurisdiction of court. *In re* **St. Mary the Virgin, Woodkirk,** Ch.Ct. York [1969] 1 W.L.R. 1867.

Use of disused churchyard—Rights of parishioners. *In re* **St. Clement, Eastcheap,** Wigglesworth Ch. [1964] P. 20; [1963] 3 W.L.R. 644.

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Faculty—*continued.*

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Illegal ornaments. *In re* **St. Mary the Virgin, West Moors,** J. H. Ellison Ch. [1963] P. 390; [1963] 2 W.L.R. 1334.

Legality. *In re* **St. Augustine's, Brinksway,** K. J. T. Elphinstone Ch. [1963] P. 364; [1963] 3 W.L.R. 338.

"Indecent behaviour" in place of public worship

Politically motivated interruptions of divine service

Whether behaviour "indecent"—Ecclesiastical Courts Jurisdiction Act, 1860, s. 2.
Abrahams v. Cavey, Divl.Ct. [1968] 1 Q.B. 479; [1967] 3 W.L.R. 1229.

Parochial church council

Powers and functions

Whether council entitled to dissent from incumbent—Whether council has power to borrow money—Parochial Church Councils (Powers) Measure, 1956, ss. 2, 4.
In re **St. Peter, Roydon,** H. H. V. Forbes Q.C., Ch. [1969] 1 W.L.R. 1849.

Union of benefices

Scheme

Union of non-contiguous areas—Intra vires—Pastoral Reorganisation Measure, 1949, s. 3 (1) (*a*) (ii) (iv)—Union of Benefices Measure, 1923, ss. 6, 34.
St. Philip with St. Luke Parochial Church Council v. Church Comrs., P.C. [1963] A.C. 448; [1963] 2 W.L.R. 617.

EDUCATION. (*See also* CHARITY.)

Negligence

Further education

Student receiving printing tuition—Unguarded machine—Injury to student—Whether failure to provide guard breach of duty of care to student.
Butt v. Inner London Education Authority, C.A. (1968) 66 L.G.R. 379.

Instruction in judo

Adoption of modern method of learning—Experienced and qualified instructor—Combat exercises at end of first lesson—Instruction to get opponent down—Warning to yield when opponent had domination—Pupil's failure to yield—Accident resulting—Whether instructor negligent—Liability of local authority.
Conrad v. Inner London Education Authority, C.A. (1967) 65 L.G.R. 543.

School

Pupil, injury to—Door panel glazed with thin glass—Standard of care—Common duty of care—Breach—Whether thin glass foreseeable danger—Occupiers' Liability Act, 1957, s. 2. **Reffell v. Surrey County Council,** Veale J. [1964] 1 W.L.R. 358.

——————Infant school dispersing five minutes early—Five-year-old child injured on way home alone—School near busy main road—Infants instructed to return to teacher if no one waiting for them—Standard of care—Transfer of custody to parents—Whether school authorities negligent.
Barnes v. Hampshire County Council, H.L.(E.) [1969] 1 W.L.R. 1563.

——————Large class of young children—Use of pointed scissors—Injury to child's eye—Whether proper supervision—Whether system faulty—Whether negligence.
Butt v. Cambridgeshire and Isle of Ely County Council, C.A. (1969) 68 L.G.R. 81.

——————Low flint and brick boundary wall to playground since 1862—Pupils running races in playground before school—No supervision—Pupil injured by fall against protruding flints in wall—Whether injury foreseeable—Whether duty to supervise before school hours—Whether negligence by school.
Ward v. Hertfordshire County Council, C.A. [1970] 1 W.L.R. 356.

——————Playground — Pupils running races in playground before school — No supervision—Playground bounded by dangerous flint walls—Pupil injured by protruding flints in wall—Whether injury foreseeable—Whether duty to supervise before school hours—Whether negligence by school.
Ward v. Hertfordshire County Council, Hinchcliffe J. [1969] 1 W.L.R. 790.

——————School with 900 pupils—Elastic rope discarded in low-lying bin near playground—Horseplay during break culminating in injury to pupil's eye from elastic rope—Whether injury foreseeable—Whether duty to prevent injury from inanimate objects and fellow pupils—Whether sufficient supervision—Standard of care—Liability of school. **Beaumont v. Surrey County Council,** Geoffrey Lane J. (1968) 66 L.G.R. 580.

——————Swing door with glass panel—Whether breach of common law duty—Standard of care.
Lyes v. Middlesex County Council, Edmund Davies J. (1963) 61 L.G.R. 443.

EDUCATION—*continued.*

Negligence—*continued.*

School—continued.

Pupil injured during chemistry class—Dangerous liquid flicked into eye—Irresponsible acts of fellow pupils—Warning given by schoolmaster as to danger of fluid—Pupils' admitted failure to heed warning—Standard of discipline—Whether adequate for safety—Foreseeability of accident.
Crouch v. Essex County Council, Widgery J. (1966) 64 L.G.R. 240.

School child crossing road in urban area—Injury to deaf and dumb child driven home in school bus—Duty of local authority employee in charge—Whether breach of duty to act as reasonable parent—Apportionment of local authority's liability—Damages.
Ellis v. Sayers Confectioners Ltd., C.A. (1963) 61 L.G.R. 299.

School maintained by local education authority—Injury to pupil—Broken milk bottles in school playground—Whether breach of common law duty—Precautions to be taken.
Martin v. Middlesbrough Corpn., C.A. (1965) 63 L.G.R. 385.

Transport—Standard of care in—School bus provided by local education authority—No adult supervision for senior children—Prefects appointed to be in charge—Flicking of pellets—Injury to pupil's eye—No evidence that pupils in bus particularly boistrous or undisciplined—Whether reasonable to leave supervision to prefects—Whether negligence.
Jacques v. Oxfordshire County Council, Waller J. (1968) 66 L.G.R. 440.

Public interest

Communication between parents and school

Telephonic communication—Whether public interest involved.
Cartwright v. Post Office, Willis J. [1968] 2 Q.B. 439; [1968] 3 W.L.R. 63.

School

Attendance

Child absent on 12 out of 114 attendances—Absences unknown to parents—No neglect in ensuring child's attendance—Justices' finding that attendance irregular—Absolute liability of parents—Education Act, 1944, ss. 39 (1), 40 (1).
Crump v. Gilmore, D.C. (1969) 68 L.G.R. 56.

Children educated at home—Refusal by parents to allow inspection—School attendance orders made by local education authority—Whether authority entitled to insist on inspection of children's education at home—Education Act, 1944, ss. 36, 37 (1) (2) (5).
Reg. v. Surrey Quarter Sessions Appeals Committee, *Ex parte* **Tweedie,** Divl.Ct. (1963) 61 L.G.R. 464.

Late arrival—Arrival after attendance register closed—Register closed half an hour after commencement of session—Certificate of absence—Whether evidence of non-attendance—Whether evidence of unpunctuality only—Meaning of "attend"—Education Act, 1944, s. 39 (1). **Hinchley v. Rankin,** Divl.Ct. [1961] 1 W.L.R. 421.

School attendance order—Refusal of parent to comply with school attendance order—Children made wards of court on summons by local authority—Jurisdiction of Chancery Division to consider welfare of child—Education Act, 1944, ss. 36, 37 (2).
In re **Baker (Infants),** Pennycuick J. [1961] Ch. 303; [1961] 2 W.L.R. 626.
In re **B. (Infants),** C.A. [1962] Ch. 201; [1961] 3 W.L.R. 694.

Controlled voluntary school

Articles of government—Grammar school with selective entry—Local education authority intending to implement comprehensive scheme of entry contrary to school articles—Governors agreeing to scheme subject to any order to be made by court—Action for injunction—Locus standi of school governor, ratepayer and parent of child of primary school age—Whether local authority proper and necessary party—Wishes of parents not taken into account—Whether contrary to general principle of educating pupils in accordance with wishes of parents—Whether act of implementation of scheme malfeasance justiciable by court—Education Act, 1944, ss. 76, 99 (1).
Lee v. Enfield London Borough Council, Donaldson J. (1967) 66 L.G.R. 195.

——————————Grammar school with selective entry system—School in existence for 400 years—Scheme to permit unusual type of comprehensive intake to school—Application to Secretary of State for Education and Science to vary articles to enable scheme to operate—Representations by "persons concerned with . . . government of the school"—"Opportunity of making representations"—Time for making representations limited to less than five days—Whether reasonable—Whether denial of statutory rights—Education Act, 1944, ss. 17 (5), 76, 111.
Lee v. Department of Education and Science, Donaldson J. (1967) 66 L.G.R. 211.

Duty regarding children. See NEGLIGENCE (**Child**).

EDUCATION—*continued.*

School—*continued.*

Education authority, statutory duties of

Circulars to parents of children at Roman Catholic primary schools—Children to proceed to Roman Catholic secondary schools—Parents' right to choose non-Roman Catholic secondary schools—Whether authority in breach of statutory duty by restricting parents' choice—Whether alleged breach cause of action—Education Act, 1944, ss. 8, 68, 76, 99.
Cumings v. Birkenhead Corpn., Ungoed-Thomas J. [1970] 3 W.L.R. 871.

Reorganisation of education on comprehensive lines—Changes in age range and sex of pupils—Whether ceasing to maintain existing schools—"Cease to maintain"—"Maintain"—Establishment of new schools after Ministerial approval of proposals—Schools established before submission of plans and specifications conforming to prescribed standards—Ministerial approval or exemption not obtained—Whether breach of statutory duty remediable by courts—Whether nonfeasance remediable only by Minister—Education Act, 1944, ss. 10, 13, 99—London Government Act, 1963, s. 31.
Bradbury v. Enfield London Borough Council, C.A. [1967] 1 W.L.R. 1311.

Negligence. See NEGLIGENCE **(Child).**

Premises

Statutory duty—Safety and health—Whether duty absolute—Education Act, 1944, s. 10 —Standards for School Premises Regulations, 1959, reg. 51.
Reffell v. Surrey County Council, Veale J. [1964] 1 W.L.R. 358.

Statutory duty to pupils

School maintained by local education authority—Injury to pupil—Swing door with thin glass panel—Whether breach of common law duty—Standard of care—Whether satisfactory "level of efficiency"—Schools Grants Regulations, 1951, regs. 5, 6 (1).
Lyes v. Middlesex County Council, Edmund Davies J. (1963) 61 L.G.R. 443.

"*Sufficient . . . in character*"

Duty to consult parents—Effect of development plan—Minister's powers to enforce plan—Scheme of comprehensive education introduced contrary to plan and to wishes of number of parents—Whether ultra vires—Whether actionable as breach of statutory duty—Education Act, 1944, ss. 8, 11, 12, 17, 76, 99, 111. **Wood v. Ealing London Borough Council,** Goff J. [1967] Ch. 364; [1966] 3 W.L.R. 1209.

Teacher

Claim for additional salary

Whether subject to arbitration.
Baron v. Sunderland Corpn., C.A. [1966] 2 Q.B. 56; [1966] 2 W.L.R. 363.

Contract

Negligence—Teacher suffering from ankylising-spondylitis—Jostled on milk duty—Inability to continue teaching—Acceptance of short service gratuity on basis of permanent incapacity for serving efficiently as a teacher—Whether notice of dismissal required—Whether contract frustrated—Classroom temperature 55 degrees due to boiler failure—Whether breach of statutory standard requiring 62 degrees, giving rise to civil remedy —Whether duty to disclose medical report to teacher—Whether duty to excuse teacher from milk duty—Teachers (Superannuation) Act, 1925, s. 4—Standards for School Premises Regulations, 1959, para. 53 (3).
Watts v. Monmouthshire County Council, Browne J. and C.A. (1967) 66 L.G.R. 171.

Voluntary school—Dismissal of teacher by governors—Local education authority's power to prohibit dismissal—Right of teacher to hearing—Whether contractual—Whether local education authority party to contract of employment—Education Act, 1944, s. 24 (2). **Hannam v. Bradford Corpn.,** C.A. [1970] 1 W.L.R. 937.

Redundancy

Headmaster—Offer of employment at same salary in mobile pool of teachers—Whether offer of "suitable employment"—Redundancy Payments Act, 1965, s. 2 (4).
Taylor v. Kent County Council, D.C. [1969] 3 W.L.R. 156.

Salary

Primary and secondary schools—Post lost as "result of the closure or reorganisation of a school"—Temporary appointment as deputy head teacher—Whether post "lost" through closure or reorganisation—Scales of salaries for Teachers in Primary and Secondary Schools, England and Wales 1967 Q.
Stott v. Oldham Corpn., C.A. (1969) 67 L.G.R. 520.

University

Degree

Examinations—Exclusive jurisdiction of University.
Thorne v. University of London, C.A. [1966] 2 Q.B. 237; [1966] 2 W.L.R. 1080.

Teacher

Status—Liability to dismissal—Ceylon.
Vidyodaya University Council v. Silva, P.C. [1965] 1 W.L.R. 77.

EJUSDEM GENERIS RULE

Statute

Estate duty

Persons accountable for—" Trustee, guardian, committee, or other person "—Finance Act, 1894, s. 8 (4).
In re **Latham, decd.,** Wilberforce J. [1962] Ch. 616; [1961] 3 W.L.R. 1154.

Income tax

Whether " general commission agent " ejusdem generis with " broker."
Fleming v. London Produce Co. Ltd., Megarry J. [1968] 1 W.L.R. 1013.

Licensing

" Musical or other entertainment "—Chemin de fer—Licensing Act, 1961, s. 9 (1).
Rous De Horsey v. Rignell, Divl.Ct. [1963] 1 Q.B. 914; [1963] 2 W.L.R. 162.

ELECTION. *See* LOCAL GOVERNMENT; PARLIAMENT.

ELECTION OR OPTION. (*See also* CONTRACT (**Repudiation**).)

Appeal

Election to appeal to Minister

Whether jurisdiction of court ousted.
Ridge v. Baldwin, C.A. [1963] 1 Q.B. 539; [1962] 2 W.L.R. 716.
H.L.(E.) [1964] A.C. 40; [1963] 2 W.L.R. 935.

Effect of exercise

Notice to quit

Whether effect to substitute new tenancy or limit duration of old one.
Lower v. Sorrell, C.A. [1963] 1 Q.B. 959; [1963] 2 W.L.R. 1.

Election or selection

Charterparty

Right to nominate—Cargo—Port.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

Question of construction

Charterparty—Right to load wheat with options to load barley or flour—Whether true options—Use of word " option." **Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food,** H.L.(E.) [1963] A.C. 691; [1963] 2 W.L.R. 439.

Will

Power to appoint to charities—Whether exercise revocable.
In re **Beesty's Will Trusts,** Wilberforce J. [1966] Ch. 223; [1964] 3 W.L.R. 689.

Exercise

Alternative inconsistent rights of action

Whether institution of one bars other—Whether exercise of election a question of fact.
Clarkson Booker Ltd. v. Andjel, C.A. [1964] 2 Q.B. 775; [1964] 3 W.L.R. 466.

Inconsistent rights

Planning permission or compensation for loss of development value—Effect of obtaining compensation—Abandonment. **Slough Estates Ltd. v. Slough Borough Council (No. 2),** C.A. [1969] 2 Ch. 305; [1969] 2 W.L.R. 1157.

Option

Juristic nature

Agreement for sale of shares with option to repurchase—Whether time of the essence.
Hare v. Nicoll, C.A. [1966] 2 Q.B. 130; [1966] 2 W.L.R. 441.

Option to buy shares in company—Whether mere irrevocable offer on part of grantor—Whether property—Whether " irrevocable offer " a possible legal concept—Taxation.
Varty v. British South Africa Co., C.A. [1965] Ch. 508; [1964] 3 W.L.R. 698.

ELECTRICITY

Board

Status

Different boards—Whether " associated " companies.
Southern Electricity Board v. Collins, D.C. [1970] 1 Q.B. 83; [1969] 3 W.L.R. 147.

Lines, erection of

Minister's consent to place transmission lines above ground

Pasture and moorland used and cleared for gliding—Whether excepted as " pleasure ground "—Electricity (Supply) Act, 1919, s. 22 (1).
Central Electricity Generating Board v. Dunning, Foster J. [1970] Ch. 643; [1970] 2 W.L.R. 668.

ELECTRICITY—*continued.*

Negligence

Unguarded electric wires

Duty of electrician. **Howell v. A. P. V. Paramount Ltd.**, C.A. (1967) 3 K.I.R. 567.

Regulations

Person responsible

Restaurant of club premises managed by licensee—Joint occupation—Redecoration by plasterers—Injury to plasterers' servant through live wire—Whether club liable as occupiers under Electricity Regulations—Electricity (Factories Act) Special Regulations, 1908 and 1944, regs. 1, 2 (as amended)—Factories Act, 1961, s. 127 (4)—Occupiers' Liability Act, 1957, s. 1.
Fisher v. C. H. T. Ltd. (No. 2), C.A. [1966] 2 Q.B. 475; [1966] 2 W.L.R. 391.

Unguarded electric wires

Electrician required to tighten wires—Mobile electric crane in course of construction—Not practice to guard wires—Whether absence of guard negligence—Electrician requiring to remove guard to carry out work—Statutory duty—Duty to safeguard electric conductor — Fall while descending scaffolding — Whether " reasonably practicable " to guard wires—Whether employers in breach of statutory duty—Electricity Regulations, 1908, reg. 2. **Howell v. A. P. V. Paramount Ltd.**, C.A. (1967) 3 K.I.R. 567.

Supply

Meter registering. See WATER.

Tariff

" *Undue discrimination* "

Domestic consumers—Differential—Amount of standing charge based on size of house supplied—Electricity Act, 1947, s. 37 (8).
London Electricity Board v. Springate, C.A. [1969] 1 W.L.R. 524.

ENFORCEMENT NOTICE. *See* TOWN PLANNING.

ENTAILED INTEREST

Settlement

Tenant in tail in remainder

Protector of the settlement—Owner of prior estate—Trustees and objects of discretionary trusts—Deed of disentail—Whether consent of court necessary—Fines and Recoveries Act, 1833, ss. 22, 33, 34.
In re **Darnley's Will Trusts**, Pennycuick J. [1970] 1 W.L.R. 405.

Will

Tenant in tail in contingency

Gift to " person who on my death or the failure of my male issue (which shall last happen) shall become duke "—Disentailing assurance by heir presumptive—Right to bar entail—Whether heir presumptive had contingent interest in tail and therefore an " actual tenant in tail "—Fines and Recoveries Act, 1833, ss. 1, 15.
In re **St. Albans' Will Trust**, Pennycuick J. [1963] Ch. 365; [1962] 3 W.L.R. 206.

EQUITY

Clean hands

Balance of perfidy

Former wife's betrayal of matrimonial confidences—Whether entitled to injunction to restrain former husband from more serious betrayal.
Argyll (Duchess) v. Argyll (Duke), Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

Equitable estoppel

Acceptance of cheque in settlement for lesser sum than amount due—Debtor's threat to pay nothing—Whether inequitable to enforce payment of balance.
D. & C. Builders Ltd. v. Rees, C.A. [1966] 2 Q.B. 617; [1966] 2 W.L.R. 288.

Confidence

Confidential information by inventor

Unfair advantage—Use without consent of donor—Information partly public and partly private—Disclosure of features of device—Unconscious use of information—Damages.
Seager v. Copydex Ltd., C.A. [1967] 1 W.L.R. 923.

Husband and wife

Breach of confidence arising independently of right of property—Marriage dissolved on grounds of wife's adultery—Disclosure of confidences during currency of marriage by husband—Whether court will restrain by injunction.
Argyll (Duchess) v. Argyll (Duke), Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

EQUITY—*continued.*

Licensee of land, of

Expenditure on land

Son encouraged by father to build home on father's land—Expenditure of money by son in expectation of being allowed to remain in occupation for so long as he desired—No contractual relationship nor promise by landowner—Action for possession of son's home by trustees of father's will—Whether equity created—Power in court to determine how equity should be satisfied.
Inwards v. Baker, C.A. [1965] 2 Q.B. 29; [1965] 2 W.L.R. 212.

Mutual benefit and burden

Equity from acquiescence

Proprietary estoppel—Right of way over yard for encroachment of foundations—Expenditure of money in reliance on right—Whether equitable rights registrable—Law of Property Act, 1925, s. 199 (1)—Land Charges Act, 1925, ss. 10 (1), 13 (2).
E. R. Ives Investment Ltd. v. High, C.A. [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789.

Relief against condition

Loan notes

Equitable jurisdiction—Principal moneys repayable on 21 days' default on interest payments—Default due to clerical error—Judgment for principal moneys—Whether equity will grant stay of execution. **T. C. Trustees Ltd. v. J. S. Darwen (Successors) Ltd.,** C.A. [1969] 2 Q.B. 295; [1969] 2 W.L.R. 81.

Relief against forfeiture

Lease of chattels

Equitable jurisdiction.
Barton Thompson & Co. Ltd. v. Stapling Machines Co., Pennycuick J. [1966] Ch. 499; [1966] 2 W.L.R. 1429.

Rescission

Contract for sale of land

Benefit of contract assigned to plaintiff—Conveyance to plaintiff on direction of purchaser—Whether right of rescission for misrepresentation runs with land.
Gross v. Lewis Hillman Ltd., C.A. [1970] Ch. 445; [1969] 3 W.L.R. 787.

Unjust enrichment. *See* RESTITUTION.

ESTATE CONTRACT. *See* LAND REGISTRATION.

ESTATE DUTY. *See* REVENUE.

ESTOPPEL

Conduct, by

Company

Breach of duty by director—Director retained on board after knowledge of material facts—Whether company can complain of breach of duty.
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

Consent order

Husband and wife—Maintenance proceedings on footing that another man's child was husband's—Child's illegitimacy subsequently proved—Whether husband estopped by his conduct from relying on wife's fraud.
B. (M. A. L.) v. B. (N. E.), Payne J. [1968] 1 W.L.R. 1109.

Contract

Mistaken belief of one party that term included—Execution by other party with knowledge thereof—Rectification.
A. Roberts & Co. v. Leicestershire County Council, Pennycuick J. [1961] Ch. 555; [1961] 2 W.L.R. 1000.

Purported sale by dealer to finance company of trading company's vehicles—Warranty in hire-purchase documents by dealers of ownership of goods—Trading company privy to warranty—Whether precluded from denying dealer's authority to sell.
Stoneleigh Finance Ltd. v. Phillips, C.A. [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508.

Refinancing agreement relating to car hired—Purported sale to agents and resale to new finance company—Car let on hire-purchase—Whether hirer estopped from denying finance company's title to car. **Snook v. London and West Riding Investments Ltd.,** C.A. [1967] 2 Q.B. 786; [1967] 2 W.L.R. 1020.

Counsel, admission by

Whether estopped from withdrawing it.
H. Clark (Doncaster) Ltd. v. Wilkinson, C.A. [1965] Ch. 694; [1965] 2 W.L.R. 751.

ESTOPPEL—*continued.*

Conduct, by—*continued.*

Counsel's argument

On law at first instance wrong—Party not estopped from taking different course on appeal where no prejudice to party opposing shown.
Doyle v. Olby (Ironmongers) Ltd., C.A. [1969] 2 Q.B. 158; [1969] 2 W.L.R. 673.

Equitable

Expenditure of money on land—Expectation that allowed to remain in occupation—Expectation induced and encouraged by landowner—Claim for possession by personal representatives of landowner—Whether an equitable estoppel—Nature of interest.
Inwards v. Baker, C.A. [1965] 2 Q.B. 29; [1965] 2 W.L.R. 212.

——————————Expectation that right of way granted—Expectation induced and encouraged by landowner and predecessors—Whether right registrable as land charge—Land Charges Act, 1925, ss. 10 (1), 13 (2).
E. R. Ives Investment Ltd. v. High, C.A. [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789.

Promissory—Inscription of wrong words of acceptance of bill of exchange—Reliance on own error—Whether equitable estoppel—Whether pre-existing contractual relationship essential. **Durham Fancy Goods Ltd. v. Michael Jackson (Fancy Goods) Ltd.**, Donaldson J. [1968] 2 Q.B. 839; [1968] 3 W.L.R. 225.

Husband and wife

Maintenance agreement—Assertion of indebtedness—Representations by former wife lulling former husband into sense of false security—Whether estoppel.
Covell v. Sweetland, Hinchcliffe J. [1968] 1 W.L.R. 1466.

Maintenance proceedings on footing marriage valid—Both parties aware that marriage void—No estoppel against nullity petitions.
Hayward v. Hayward (orse. Prestwood), Phillimore J. [1961] P. 152; [1961] 2 W.L.R. 993.

Landlord and tenant

Disclaimer by head lessee of squatter's title to adjoining land—Whether disclaimer binding on his sub-tenant. **St. Marylebone Property Co. Ltd. v. Fairweather**,
C.A. [1962] 1 Q.B. 498; [1961] 3 W.L.R. 1083.
H.L.(E.) [1963] A.C. 510; [1962] 2 W.L.R. 1020.

Squatter—Effect of accepting rent.
Tickner v. Buzzacott, Plowman J. [1965] Ch. 426; [1965] 2 W.L.R. 154.

Tenant no longer in possession—Action by landlord's executor for breach of repairing covenant in lease—No title in landlord to grant lease—Whether tenant estopped from denying landlord's title.
Harrison v. Wells, C.A. [1967] 1 Q.B. 263; [1966] 3 W.L.R. 686.

Negligence

Motor car—Blank hire-purchase forms signed by owner—Dealer's retention of forms pending negotiations for loan on security of car—Forms filled in by dealer and presented without authority to finance company as owner's offer—Whether duty of care owed by owner—Whether breach of duty—Whether owner estopped by negligence from denying dealer's authority.
Mercantile Credit Co. Ltd. v. Hamblin, C.A. [1965] 2 Q.B. 242; [1964] 3 W.L.R. 798.

——————Hire-purchase—Blank form signed by hirer—Form filled up by dealer for price outside statutory protection—Whether hirer estopped by negligence.
Campbell Discount Co. Ltd. v. Gall, C.A. [1961] 1 Q.B. 431; [1961] 2 W.L.R. 514.

Statutory discretion

Prevention or hindrance—Local planning authority—Representation by authority's officer that land had existing user right—Land bought and used by purchasers on faith of representation—Whether authority estopped from establishing validity of enforcement notice—Town and Country Planning Act, 1947, s. 23.
Southend-on-Sea Corpn. v. Hodgson (Wickford) Ltd., Divl.Ct. [1962] 1 Q.B. 416; [1961] 2 W.L.R. 806.

Title

Licensor and licensee—Change of grantor—Whether estoppel operating only in favour of original grantee—Licensee's actions recognising title claimed by licensor's successor—Whether new taking of possession on regrant—No physical re-entry—Ceylon—Evidence Ordinance, s. 116.
Terunnanse v. Terunnanse, P.C. [1968] A.C. 1086; [1968] 2 W.L.R. 1125.

Deed, by

Averment of trust

Mutual mistake—Rectification—Effect on equitable interest.
Wilson v. Wilson, Buckley J. [1969] 1 W.L.R. 1470.

Averment of vendor's title

Outstanding charge subsequently paid by vendor—Whether estoppel fed.
Cumberland Court (Brighton) Ltd. v. Taylor, Ungoed-Thomas J. [1964] Ch. 29; [1963] 3 W.L.R. 313.

ESTOPPEL—*continued.*

Deed, by—*continued.*

Non est factum

Deed of assignment on sale—Deed signed in fraudulently induced belief that deed of gift to another party—Subsequent mortgage by assignee—Whether plea of non est factum available against mortgagee. **Gallie v. Lee,** Stamp J. [1968] 1 W.L.R. 1190.

Equitable. *See* EQUITY (**Clean hands**).

Per rem judicatam

Administration of estates

Order for inquiry—Final determination of rights.
Public Trustee v. Kenward, Buckley J. [1967] 1 W.L.R. 1062.

Affiliation

Complaint by mother of illegitimate child—Complaint dismissed—Second complaint on same ground in respect of same birth—Fresh evidence adduced—Whether jurisdiction to hear second complaint—Affiliation Proceedings Act, 1957, s. 4.
Robinson v. Williams, Divl.Ct. [1965] 1 Q.B. 89; [1964] 3 W.L.R. 563.

Consent order

Admission for purposes of—Restrictive Practices—Consent order declaring restrictions contrary to public interest—Whether respondents estopped from alleging restrictions not registrable—Whether estopped from alleging restriction arising from same agreement as condemned restrictions not registrable.
In re **National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 3),** R.P.Ct.(E. & W.) [1969] 1 W.L.R. 875.

Crime. See NEMO DEBET BIS VEXARE.

Criminal proceedings

"Issue estoppel"—Ingredients—Whether available as plea in bar.
Reg. v. Connelly, C.C.A. [1964] A.C. 1254; [1963] 3 W.L.R. 839.
Connelly v. Director of Public Prosecutions, H.L.(E.) [1964] A.C. 1254; [1964] 2 W.L.R. 1145.

———————— —Servant convicted of handling stolen goods—Possession sole issue of fact—Conviction quashed on ground of misdirection—Employer charged with handling same goods—Servant called as defence witness—Right of Crown to cross-examine on issue of possession of goods—Whether issue determined in favour of servant—Alleged inconsistency of verdicts—Limits of doctrine of issue estoppel.
Reg. v. Maskell, C.A. (1970) 54 Cr.App.R. 429.

————————Whether applicable in criminal cases.
Mills v. Cooper, Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

Registered friendly society—Deficiences found on stock-taking—Steward's agreement for service with term that deficiencies found in stock or cash be paid by steward—Information preferred against steward under Friendly Societies Act—Acquittal of steward—No order for repayment of deficiency—Whether club estopped from proceeding with civil claim for amount of deficiency based on agreement for service—Whether issues identical in two proceedings—Friendly Societies Act, 1896, s. 87 (3) (as amended by Friendly Societies Act, 1908, s. 9).
Beeches Workingmen's Club and Institute Trustees v. Scott, C.A. [1969] 1 W.L.R. 550.

Town planning—"Existing site." **Dudley v. Morel,** Divl.Ct. (1963) 61 L.G.R. 538.

Dismissal for want of prosecution

Whether a foundation for res judicata.
Pople v. Evans, Ungoed-Thomas J. [1969] 2 Ch. 255; [1968] 3 W.L.R. 97.

————————————————"Sued"—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (*c*).
Hart v. Hall & Pickles Ltd., C.A. [1969] 1 Q.B. 405; [1968] 3 W.L.R. 744.

Foreign judgment. See CONFLICT OF LAWS.

Hire-purchase agreement

Owners' action against hirer claiming unpaid instalments—Subsequent action claiming damages for breach of agreement—Whether barred—County Courts Act, 1959, s. 69.
Overstone Ltd. v. Shipway, C.A. [1962] 1 W.L.R. 117.

ESTOPPEL—*continued.*

Per rem judicatam—*continued.*

Husband and wife

Act of 1882, s. 17, proceedings under—Previous findings in undefended suit for judicial separation in county court—Whether principle of estoppel applicable.
Razelos v. Razelos (No. 1), Baker J. [1970] 1 W.L.R. 390.

Custody—Petition alleging child a child of family—Court order relating to custody of child in undefended suit—Subsequent challenge by husband of paternity of child—Whether husband estopped from disputing paternity.
Gower v. Gower, Brandon J. [1970] 1 W.L.R. 1556.

————Welfare of the child—Whether principle of estoppel applicable in custody proceedings. **Frost v. Frost,** C.A. [1968] 1 W.L.R. 1221.

Divorce—Desertion—Allegation of desertion based on allegation of cruelty dismissed in previous suit—Application to strike out—Principles applicable.
Warren v. Warren, Scarman J. [1962] 1 W.L.R. 1310.

————Desertion plea after cruelty suit—Wife's cruelty petition dismissed—Similar allegations raised as defence to husband's desertion petition—Whether wife estopped from repeating cruelty allegations—Application to strike out—Principles applicable.
Thoday v. Thoday, C.A. [1964] P. 181; [1964] 2 W.L.R. 371.

————Petition by husband alleging desertion—Previous petition by wife alleging cruelty and just cause for leaving—Dismissal of wife's petition—Maintenance proceedings by wife—Dismissal on ground that wife precluded from alleging just cause for living apart by previous judgment—Whether wife estopped from repeating original allegations and cross-petitioning on ground of constructive desertion.
Holland v. Holland, C.A. [1961] 1 W.L.R. 194.

————Previous finding of court of summary jurisdiction—Of probative value only—Cruelty. **Turner v. Turner,** C.A. [1962] P. 283; [1961] 3 W.L.R. 1269.

Judicial separation—Wife's petition founded on husband's non-compliance with order for restitution of conjugal rights—Restitution proceedings undefended by husband—Whether husband estopped from alleging cruelty in the proceedings for judicial separation, not having done so in the proceedings for restitution.
Laws v. Laws, C.A. [1963] 1 W.L.R. 1133.

Maintenance—Previous divorce proceedings—Dismissal of allegation of adultery against wife—Subsequent application relating to maintenance—Husband estopped from repeating allegation of adultery.
Field v. Field, Wrangham J. [1964] P. 336; [1964] 2 W.L.R. 847.

Marriage—Validity—Bigamous marriage—Implied recognition by husband before justices—Nullity petition by him.
Hayward v. Hayward (orse. Prestwood), Phillimore J. [1961] P. 152; [1961] 2 W.L.R. 993.

Issue estoppel

Arbitration—Interim award—Whether claim for demurrage excluded by cesser clause.
Fidelitas Shipping Co. Ltd. v. V/O Exportchleb, C.A. [1966] 1 Q.B. 630; [1965] 2 W.L.R. 1059.

Interlocutory summons by defendants to stay proceedings on ground that plaintiff's solicitors acting without authority—House of Lords ruling that summons to be treated as separate action to which plaintiff not a party—Amendment of statement of claim—Summons by plaintiff seeking to strike out parts of defences as being res judicatae—Decisions of foreign courts on trade mark matters relied upon by plaintiff—Other foreign judgments relied upon by defendants as creating a "counter-estoppel"—Whether reasoned judgments or formal records to be considered—Whether interlocutory judgments capable of creating estoppel—Whether plaintiff privy to plaintiff's solicitors in defendants' summons to stay proceedings—Whether decisions of foreign courts on trade mark matters capable of creating estoppel in United Kingdom—Judge's discretion to strike out matters res judicatae—R.S.C. (Rev. 1965), Ord. 18, r. 19.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 3), Buckley J. [1970] Ch. 506; [1969] 3 W.L.R. 991.

Order under Variation of Trusts Act, 1958—Arrangement approved by court defined "the settled share" excluding advanced fund—No issue as to extent of settled share—Nature of order—Whether order giving rise to estoppel—Whether Crown estopped from contending that income of advanced fund is taxpayer's income.
Spens v. Inland Revenue Comrs., Megarry J. [1970] 1 W.L.R. 1173.

ESTOPPEL—*continued.*

Per rem judicatam—*continued.*

Issue estoppel—continued.

Restrictive practices—Issue, whether previously decided—Finding of court in 1963 on reference of agreement that restriction necessary for operation of buying-pool—Application by registrar to court to reconsider previous decision—Alleged material change of relevant circumstances—Whether registrar estopped from reopening previous finding of court—Whether court a discretion.
In re **National Sulphuric Acid Association's Agreement (No. 2),** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 210.

Issue, whether previously decided

Action for trespass on land—Judgment for defendant—No counterclaim for declaration of title—Subsequent action by defendant for declaration of title founded entirely on earlier judgment—Whether ownership decided in earlier action.
Duedu v. Yiboe, P.C. [1961] 1 W.L.R. 1040.

Judgment by default

How far effective to estop—Only for what must "necessarily and with complete precision" have been determined—No estoppel in face of statute—Not confined to transactions made the subject of legislation. **Kok Hoong v. Leong Cheong Kweng Mines Ltd.,** P.C. [1964] A.C. 993; [1964] 2 W.L.R. 150.

Land registration

Rectification of register by Chief Land Registrar—Whether affecting validity of interest registered. *In re* **Dances Way, West Town, Hayling Island,** C.A. [1962] Ch. 490; [1962] 2 W.L.R. 815.

Law, question of

Ruling unnecessary to decision—No appeal possible—Whether res judicata.
Penn-Texas Corpn. v. Murat Anstalt (No. 2), C.A. [1964] 2 Q.B. 647; [1964] 3 W.L.R. 131.

Legitimacy

Decree nisi embodying custody order in relation to child—Divorce proceedings undefended by mother of child—Deed of settlement reciting that child a child of the marriage—Petition for declaration that child legitimate son—Whether husband estopped from challenging paternity.
B. v. Attorney-General, Willmer L.J. [1965] P. 278; [1965] 2 W.L.R. 871.

Maintenance and custody of child

Wife's application refused by justices—Second application coming before different justices—Whether res judicata—No fresh evidence—Whether proper to continue hearing.
In re **F. (W.) (An Infant),** Pennycuick J. [1969] 2 Ch. 269; [1969] 3 W.L.R. 206.

Negligence

High Court action—Collision between motor cycles of defendant and third party—Plaintiff pillion passenger on third party's motor cycle—Previous action between motor cycle drivers—Both found equally to blame—Plaintiff's subsequent action against defendant settled—Contribution claimed by defendant against third party—Whether third party bound by decision in previous action.
Wood v. Luscombe, Streatfeild J. [1966] 1 Q.B. 169; [1965] 3 W.L.R. 996.

————————Plaintiff passenger in car involved in collision—County court action by driver of plaintiff's car—Driver of plaintiff's car found solely to blame—Judgment entered for other driver—Subsequent High Court action—Both drivers found equally to blame—Whether driver of other car entitled to indemnity—Whether same issues raised in both actions—Whether estoppel by record established—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (c) (2).
Randolph v. Tuck, Lawton J. [1962] 1 Q.B. 175; [1961] 2 W.L.R. 855.

Probate actions

Same plaintiff, different capacities—Prayer to revoke probate of 1949 will and grant probate of 1906 will—Claiming as beneficiary in first action, in representative capacity in second—Whether in violation of nemo debet bis vexari.
In the Estate of Langton, decd., C.A. [1964] P. 163; [1964] 2 W.L.R. 585.

Revenue

Income tax—Decision granting exemption—Revenue not estopped from challenging exemption in subsequent years—Not "eadem quaestio."
Caffoor v. Income Tax Comr., P.C. [1961] A.C. 584; [1961] 2 W.L.R. 794.

Statute, in face of

Which statutes preclude estoppels—Moneylending—Social policy—Application of principle to common law. **Kok Hoong v. Leong Cheong Kweng Mines Ltd.,** P.C. [1964] A.C. 993; [1964] 2 W.L.R. 150.

ESTOPPEL—*continued.*

Per rem judicatam—*continued.*

Summary judgment

Judgment under R.S.C. Ord. 14A for specific performance of contract—Issues of lack of capacity and undue influence not raised—Action to set aside judgment and contract—Whether res judicata.
Dsane v. Hagan, Buckley J. [1962] Ch. 193; [1961] 3 **W.L.R. 776.**

Writ, prior issue of

Architect—Claim for fees—Terms of oral contract—Finding by tribunal of fact in plaintiffs' favour—Judgment delivered after issue of writ in second action between same parties raising same issues—Amendment of plaintiffs' reply in second action to allege estoppel per rem judicatam—Whether plea maintainable—R.S.C., Ord. 24.
Morrison Rose & Partners v. Hillman, C.A. [1961] 2 Q.B. 266; [1961] 3 W.L.R. 301.

EVIDENCE. (*See also* CRIME; HUSBAND AND WIFE.)

Adjourned trial

New judge

Hearing not concluded owing to retirement of judge—Re-hearing de novo—Whether transcript of evidence at first hearing admissible at re-hearing.
The Forest Lake, Karminski J. [1968] P. 270; [1967] 2 W.L.R. 11.

Admission

Company by

Agent—Conversations with—Conversation with person calling himself depot manager—Visit of representative of company—Whether prima facie evidence that agents of company—Whether authority to make admissions—Whether evidence of conversations admissible. **Edwards v. Brookes (Milk) Ltd.,** Divl.Ct. [1963] 1 W.L.R. 795.

Knowledge

Admission made on reading labels and markings—Admission of matter of which no knowledge—Customs offence—Evidential value.
Comptroller of Customs v. Western Lectric Co. Ltd., P.C. [1966] A.C. 367; [1965] 3 W.L.R. 1229.

Affidavit, by

Cross-examination

Application for cross-examination of deponent—R.S.C., Ord. 38, r. 2 (3).
In re **S.B.A. Properties Ltd.,** Pennycuick J. [1967] 1 W.L.R. 799.

Custody (Divorce Court)

Infant's welfare—Circumstances where parties should be seen by judge.
H. v. H. and C., C.A. [1969] 1 W.L.R. 208.

Service of petition

Bankruptcy—Application to set aside receiving order—Alleged non-service of petition—Applicant's two affidavits in support of application—Oral evidence of service of petition—No cross-examination on applicant's affidavits—Whether registrar entitled to form conclusion without such cross-examination—Bankruptcy Act, 1914, s. 108 (1).
In re **D. B. Brace,** *Ex parte* **The Debtor v. H. Gabriel,** C.A. [1966] 1 W.L.R. 595.

Age

Person under 18 *years of age*

Visual evidence—Licensing offence—Whether sufficient proof that person under 18.
Wallworth v. Balmer, Divl.Ct. [1966] 1 W.L.R. 16.

Blood test

Adultery

Blood grouping of husband, wife and child—Factor present in child's blood absent from blood of husband and wife—Whether sufficient to establish adultery—Paternity issue.
F. v. F., Rees J. [1968] P. 506; [1968] 2 W.L.R. 190.

Paternity

Whether serological examination of child should be ordered.
In re **L. (An Infant),** Ormrod J. [1968] P. 119; [1967] 3 W.L.R. 1149.
C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.
B. (B. R.) v. B. (J.), C.A. [1968] P. 466; [1968] 3 W.L.R. 566.

——————Interest of infant—Not sole consideration when court exercising parens patriae jurisdiction—Interests of justice requiring all available evidence on paternity issue—Whether truth should prevail over presumption of legitimacy.
S. v. McC. (orse. S.) and M. (D. S. Intervener), C.A. [1970] 1 W.L.R. 672.
S. v. McC. (orse. S.) and M. (D. S. Intervener); W. v. W., H.L.(E.) [1970] 3 W.L.R. 366.

EVIDENCE—*continued.*

Blood test—*continued.*

Paternity—*continued.*

Whether serological examination of child should be ordered—Objection by child's guardian ad litem—Whether in best interests of child—Sole criterion.
W. v. W. (Note), C.A. [1970] 1 W.L.R. 682.

——————————Whether in best interests of child. **M. (D.K.) v. M. (S.V.) and G. (M. Intervening)**, C.A. [1969] 1 W.L.R. 843.

Civil Evidence Act, 1968

Civil proceedings

Admissibility of relevant conviction—Burden of proof—Civil action for negligence following defendant's conviction of motoring offence—Proof of conviction establishing civil liability "unless the contrary is proved"—Hearsay evidence—Contemporaneous statements to police admissible in civil action—Civil Evidence Act, 1968, s. 11 (1) (2).
Wauchope v. Mordecai, C.A. [1970] 1 W.L.R. 317.

Conviction as evidence in civil proceedings

Petition on ground of incestuous adultery—Husband's conviction of incest as evidence—Husband's denial of incest—Burden of proof—Weight to be attached to jury's verdict—Admissibility of transcript of criminal proceedings—Civil Evidence Act, 1968, ss. 2 (1), 4 (1), 11 (1) (2) (*a*)—R.S.C. (Amendment), 1969, Ord. 38, r. 28.
Taylor (J.) v. Taylor (I. L.), C.A. [1970] 1 W.L.R. 1148.

Plaintiff convicted of robbery—Stolen banknotes found in plaintiff's flat—Notes subsequently claimed by plaintiff and defendant insurance company—Magistrates' order returning notes to defendants—Plaintiff's action claiming property in banknotes—Defendants' counterclaim for loss incurred by them in meeting bank's claim—Trial of action—Extent to which evidence of previous criminal proceedings admissible—Weight of evidence of conviction—Civil Evidence Act, 1968, ss. 2, 11 (1) (2).
Stupple v. Royal Insurance Co. Ltd., Paull J. [1970] 2 W.L.R. 124.
C.A. [1970] 3 W.L.R. 217.

Company. *See* COMPANY.

Confidential reports. *See* INFANT (**Ward**).

Construction of documents. (*See also* WILL.)

Extrinsic evidence

Reservation of easement in conveyance—Evidence admissible to identify dominant tenement. **Johnstone v. Holdway**, C.A. [1963] 1 Q.B. 601; [1963] 2 W.L.R. 147.

Corroboration. *See* AFFILIATION; CRIME.

Cross-examination. (*See also* JUDGE (**Conduct of**).)

Co-defendants' right of

Originating summons—Cross-examination of plaintiff trustees' witness by defendant—Evidence in favour of co-defendant—Right of co-defendant to cross-examine to support evidence of witness. *In re* **Baden's Deed Trusts**, Goff J. [1967] 1 W.L.R. 1457.

Document disclosed on

Adultery—Notes in address book of witness—Inspection by counsel—Whether admissible.
Senat v. Senat, Sir Jocelyn Simon P. [1965] P. 172; [1965] 2 W.L.R. 981.

Calling for and looking at document in possession of witness—Effect.
Stroud v. Stroud (No. 1), Wrangham J. [1963] 1 W.L.R. 1080.

Deceased's statement

Admission of paternity

Admission made at time when mother's husband making inquiries with view to divorce proceedings—Whether a declaration against interest—Whether a declaration as to pedigree—Whether arguable that admissible.
B. v. Attorney-General, Willmer L.J. [1965] P. 278; [1965] 2 W.L.R. 871.

Declaration against pecuniary interest

No admission of legal obligation to pay—Whether admissible.
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

Divorce. *See* HUSBAND AND WIFE.

Document, to prove

Will

Circumstances in which copy will come into existence—Admissibility—Copy will already referred to by other side in evidence.
Acosta v. Longsworth, P.C. [1965] 1 W.L.R. 107.

EVIDENCE—*continued.*

Documentary

Airline ticket

Used ticket bearing names of defendants—Ticket produced from proper custody—Whether admissible—Whether hearsay—Probative significance.
Reg. v. Rice, C.C.A. [1963] 1 Q.B. 857; [1963] 2 W.L.R. 585.

Judge's notes in county court

Whether admissible in High Court—Question of estoppel.
Randolph v. Tuck, Lawton J. [1962] 1 Q.B. 175; [1961] 2 W.L.R. 855.

Judgment

Approval of court to family arrangement lost—Cause Book, evidentiary value of—Sierra Leone. **Allie v. Katah,** P.C. [1963] 1 W.L.R. 202.

Memorandum of courts' record of acquittal—Whether memorandum conclusive evidence—Whether court can inquire into validity of acquittal—Magistrates' Courts Rules, 1952, r. 56. **Reg. v. West,** C.C.A. [1964] 1 Q.B. 15; [1962] 3 W.L.R. 218.

Labels or markings

Whether hearsay—Customs offence.
Patel v. Comptroller of Customs, P.C. [1966] A.C. 356; [1965] 3 W.L.R. 1221.

Lists of fare paying passengers

Vehicle insured for private purposes—Allegation of use for hire or reward without third party insurance—Denial of knowledge of lists and charging of fares by vehicle user—Whether lists evidence against user—Whether for prosecution to establish prima facie case of user not covered by policy—Magistrates' Courts Act, 1952, s. 81—Road Traffic Act, 1960, s. 201. **Howey v. Bradley,** D.C. [1970] R.T.R. 112.

Map

Whether tithe map admissible.
Attorney-General v. Beynon, Goff J. [1970] Ch. 1; [1969] 2 W.L.R. 1447.

Private records

Car manufacturers' records—Stolen cars identified by owners—Manufacturers' records produced by persons charged with keeping them—Records compiled by workmen in course of manufacture—Whether hearsay—Probative value.
Myers v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1965] A.C. 1001; [1964] 3 W.L.R. 145.

Public document. (*See also* **Evidence Act, 1938.**)

Copy of draft prepared by deceased valuer appointed under statute—Whether exception to hearsay rule and admissible.
White v. Taylor, Buckley J. [1969] 1 Ch. 150; [1967] 3 W.L.R. 1246.

Unstamped document

Bills of exchange not properly stamped—Whether bills admissible for collateral purpose.
Hamilton Finance Co. Ltd. v. Coverley Westray Walbaum & Tosetti Ltd., Mocatta J. [1969] 1 Lloyd's Rep. 53.

Documentary Evidence Act, 1868

" Order "

Meaning—Public document giving effect to statute—Document created by executive act of government—Whether " order "—Breath Test Device (Approval) (No. 1) Order, 1968—Documentary Evidence Act, 1868, s. 2 (as amended by Documentary Evidence Act, 1882, s. 2). **Reg. v. Clarke,** C.A. [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505.

Evidence Act, 1938

Copy of document

Copy of extract from letter written to party—Receipt of letter and words acknowledged by party—Letter not put to writer—Whether evidence of facts stated in it—Whether evidence of state of mind of recipient—Evidence Act, 1938, s. 1.
Saunders v. Saunders, Divl.Ct. [1965] P. 499; [1965] 2 W.L.R. 32.

Corroboration

Cross-examination—Document disclosed on—Inspection of and cross-examination by counsel—Document not called for—Rules applicable.
Senat v. Senat, Sir Jocelyn Simon P. [1965] P. 172; [1965] 2 W.L.R. 981.

Foreign marriage

Proof of, by production of marriage certificate—Evidence Act, 1938, s. 1.
Henaff v. Henaff, Scarman J. [1966] 1 W.L.R. 598.

Hospital records

Records agreed to save expense of calling hospital representatives to produce—Entries made by doctors of answers given by patient at medical examinations—Whether admissible as tending to show patient's symptoms—Evidence Act, 1938, s. 1 (1) (2).
Reed v. Columbia Fur Dressers & Dyers Ltd., Paull J. [1965] 1 W.L.R. 13.

EVIDENCE—*continued.*

Evidence Act, 1938—*continued.*

"*Person interested*"

Action for personal injuries—Claim by employee against employer—Alleged fault of fellow-servant—Written statement by fellow-servant after accident—Whether a "person interested"—Evidence Act, 1938, s. 1 (3).
Constantinou v. Frederick Hotels Ltd., C.A. [1966] 1 W.L.R. 75.

Claim for compensation under Riot (Damages) Act, 1886—Store broken into—Statement to police by watchman—Death of watchman—Possible effect on deceased's liability and reputation—Whether a "person interested"—Evidence Act, 1938, ss. 1 (1) (3), 2 (1).
Bearmans Ltd. v. Metropolitan Police District Receiver, Master Jacob and C.A. [1961] 1 W.L.R. 634.

Conveyance—Dispute as to right of way and ownership of land—Land conveyed to defendants free from incumbrances—Letter written by vendor after issue of writ—Death of vendor—Possible liability of vendor under covenants for title—Whether vendor a "person interested"—Evidence Act, 1938, s. 1 (3).
Tapner v. Strange, Buckley J. [1965] 1 W.L.R. 942.

Money paid to trustee inter vivos—Trustee given some directions in writing, others orally—Memorandum by trustee containing statement of wishes communicated orally by settlor to trustee with list of charities to be benefited at trustee's discretion annexed—List containing charities suggested either by trustee or by settlor up to date of her death—Death of trustee—Whether memorandum admissible under Act—Whether purported gifts to trustee as beneficiary and to named charities valid—Whether gift to charity, generally, intended—Evidence Act, 1938, ss. 1, 2—Law of Property Act, 1925, s. 53 (1) (*c*). *In re* **Tyler**, Pennycuick J. [1967] 1 W.L.R. 1269.

"*Proceedings . . . anticipated*"

Fatal road accident—Driver's statement to police after caution—Admissibility—"Proceedings"—Whether including criminal proceedings—"Anticipated"—Evidence Act, 1938, s. 1 (3). **W. & M. Wood (Haulage) Ltd. v. Redpath**, Ashworth J. [1967] 2 Q.B. 520; [1966] 3 W.L.R. 526.

Public document

"Any statement made by a person in a document"—Oral statement of eyewitness to accident recorded by police in course of duty—Statement not signed—Eyewitness not available at trial—Admissibility of statement—Evidence Act, 1938, s. 1 (1).
Simpson v. Lever, Winn J. [1963] 1 Q.B. 517; [1962] 3 W.L.R. 1374.

Note of evidence by justices' clerk—Whether admissible in subsequent proceedings—Whether evidence "information supplied to him"—Evidence Act, 1938, s. 1 (1) (i) (*b*).
Brinkley v. Brinkley, Divl.Ct. [1965] P. 75; [1963] 2 W.L.R. 822.

Statement of opinion

Report of foreign handwriting expert—Opinion as to disputed handwriting—Whether evidence of "fact"—Whether admissible "statement"—Evidence Act, 1938, s. 1 (1).
Dass v. Masih, C.A. [1968] 1 W.L.R. 756.

Will, destruction of

Admissibility of statement by testator—Admissibility as tending to establish fact of destruction. **In the Estate of Bridgewater, decd.**, Scarman J. [1965] 1 W.L.R. 416.

Written statement by witness

Statement made six years before trial—Oral evidence given by witness—Whether written statement admissible—Evidence Act, 1938, s. 1 (1).
Harvey v. Smith-Wood, Lawton J. [1964] 2 Q.B. 171; [1963] 3 W.L.R. 15.

Written statement by witness after accident

Whether statement admissible as of right—Evidence Act, 1938, s. 1 (1).
Hilton v. Lancashire Dynamo Nevelin Ltd., Megaw J. [1964] 1 W.L.R. 952.

Examination abroad

Witness out of jurisdiction

Order for examination refused by judge—Whether discretion exercised wrongly—R.S.C., Ord. 39, r. 1. **Ainsley Dunn & Co. Ltd. v. Stewart & Son of Dundee Ltd.**, C.A. [1960] 1 Lloyd's Rep. 49.

Examiner

Effect of evidence taken by

Evidence of witness out of the jurisdiction taken before examiner—Whether such evidence on deposition becomes per se evidence in the action—R.S.C., Ord. 37, rr. 5, 18.
Fisher v. C.H.T. Ltd., Edmund Davies J. [1965] 1 W.L.R. 1093.

Expert evidence

Actuary

Damages for personal injuries—Total wreck—Calculation of capital sum required to maintain plaintiff—Need for expert evidence—Trial by jury.
Warren v. King, C.A. [1964] 1 W.L.R. 1.

EVIDENCE—*continued.*

Expert evidence—*continued.*

Agreed medical reports

Grave personal injuries—Epilepsy—Insufficiency of written reports—Desirability of calling medical witness to supplement reports. **Jones v. Griffith,** C.A. [1969] 1 W.L.R. 795.

————————————Gaps in medical reports—Need for calling medical witnesses.
Mullard v. Ben Line Steamers Ltd., C.A. [1970] 1 W.L.R. 1414.

Child psychiatrists. (*See also* INFANT (**Ward of court**).)

Obscenity—Picture-cards seen by children—Evidence of psychiatrists as to effect of cards on children—Whether admissible—Obscene Publications Act, 1959, ss. 2 (1), 4—Obscene Publications Act, 1964, s. 1 (1).
Director of Public Prosecutions v. A. and B. C. Chewing Gum Ltd., Divl.Ct. [1968] 1 Q.B. 159; [1967] 3 W.L.R. 493.

Fitness or unfitness to drive through drink

Analyst's certificate showing amount of alcohol in body—Doctor's evidence as to amount of alcohol consumed—Reference to tables prepared by analysts—Admissibility—Road Traffic Act, 1962, s. 2 (2). **Reg. v. Somers,** C.C.A. [1963] 1 W.L.R. 1306.

Opinion of another driver—Whether admissible.
Reg. v. Davies, Ct.-M.A.C. [1962] 1 W.L.R. 1111.

Medical witness

Fitness or unfitness to drive through drink—Direction to jury that doctor's evidence "to be accepted" misleading.
Reg. v. Lanfear, C.A. [1968] 2 Q.B. 77; [1968] 2 W.L.R. 623.

Family provision. *See* FAMILY PROVISION.

Film

Mechanically produced film

Film of echoes recorded by radar apparatus—Shipping collision—Admissibility.
The Statue of Liberty, Sir Jocelyn Simon P. [1968] 1 W.L.R. 739.

Foreign law

Colonial or Commonwealth law

Enactment — Method of proof — Whether statute still in force — Evidence (Colonial Statutes) Act, 1907. **Jasiewicz v. Jasiewicz,** Cairns J. [1962] 1 W.L.R. 1426.

Expert evidence

Conflicting evidence on meaning of statutory provisions—Right of court to consider provisions. **Parkasho v. Singh,** Divl.Ct. [1968] P. 233; [1967] 2 W.L.R 946.

Foreign tribunal, for

Affiliation

Proceedings in Norwegian court—Whether a "civil matter"—Questions about association with mother of illegitimate child—Whether "tending to criminate" witness—Whether witness may refuse to answer—Foreign Tribunals Evidence Act, 1856, ss. 1, 5.
S. v. E., Chapman J. [1967] 1 Q.B. 367; [1967] 2 W.L.R. 704.

Jurisdiction of English court

Civil action in Indian court—Evidence in possession of English company not a party to action—Refusal of Indian judge to order discovery of specific documents until trial of main issues—Letter of request issued by different judge requesting examination of witnesses in possession of documents—Whether attempt to obtain discovery—Whether fishing—Documents not specifically asked for in letter of request—Documents ancillary to oral testimony of witnesses to be examined—Best evidence—Documents in possession of company not a party to action—No order sought against company—No objection by company—Power of court to order production of documents—Evidence by Commission Act, 1859, s. 1—R.S.C. (Rev. 1962), Ord. 37, rr. 54–59.
Panthalu v. Ramnord Research Laboratories Ltd., C.A. [1966] 2 Q.B. 173; [1965] 3 W.L.R. 682.

Criminal proceedings in West German court—Alleged murder of concentration camp inmates by S.S. members—Application for examination of witness in England—Whether foreign proceedings a criminal matter of "a political character"—Extradition Act, 1870, s. 24—Foreign Tribunals Evidence Act, 1856, s. 1.
In re **Extradition Act, 1870,** *Ex parte* **Treasury Solicitor,** Chapman J. [1969] 1 W.L.R. 12.

Evidence by company—Civil action in United States court—Evidence of English company and its directors required for purposes of action—Commission issued appointing examiner to take testimony on oath upon written interrogatories annexed to commission —"Testimony"—"Any person"—Meaning of—Whether company a "person" to be examined on oath or to produce documents—Whether documents must be specifically identified—Extent of—Foreign Tribunals Evidence Act, 1856, s. 1
Penn-Texas Corpn. v. Murat Anstalt, C.A. [1964] 1 Q.B. 40; [1963] 2 W.L.R. 111.

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Foreign tribunal, for—*continued.*

Jurisdiction of English court—continued.

Whether jurisdiction to issue order to limited company to produce specifically identified documents by its proper officer for purposes of foreign trial—Documents ancillary to testimony of a witness—Foreign Tribunals Evidence Act, 1856, s. 1.
Penn-Texas Corpn. v. Murat Anstalt (No. 2), C.A. [1964] 2 Q.B. 647; [1964] 3 W.L.R. 131.

Fresh evidence. (*See also* CRIME (**Court of Criminal Appeal**); HUSBAND AND WIFE (**Divorce**); INFANT (**Guardianship**: *Appeal from justices*).)

Affiliation

Second complaint by mother that defendant putative father—Nature of fresh evidence—Whether evidence must be of serious kind—Whether evidence not reasonably obtainable at first hearing—Affiliation Proceedings Act, 1957, s. 4.
Robinson v. Williams, Divl.Ct. [1965] 1 Q.B. 89; [1964] 3 W.L.R. 563.

County Court

Damages—Widow's claim under Fatal Accidents Acts—Remarriage between trial and hearing of appeal—Effect on damage—R.S.C., Ord. 58, rr. 3 (1), 9 (2).
Curwen v. James, C.A. [1963] 1 W.L.R. 748.

Dispute as to handwriting in foreign language—Adjournments for expert evidence—Judgment given—Fresh report of foreign expert—Cross-examination not practicable—No new trial—Whether discretion rightly exercised.
Dass v. Masih, C.A. [1968] 1 W.L.R. 756.

New trial—Employer sued for wrongful dismissal—New allegations of misconduct discoverable before end of trial—Whether new trial should be ordered.
Cowling v. Matbro Ltd., C.A. [1969] 1 W.L.R. 598.

Witness misled by party—New trial ordered—Whether discretion rightly exercised—Whether rule against new evidence which could have been adduced at trial absolute—County Court Rules, 1936 (as amended 1936–62), Ord. 37, r. 1 (1).
Skrzypkowski v. Silvan Investments, C.A. [1963] 1 W.L.R. 525.

Court of Appeal. (*See also* CRIME (**Court of Appeal**; *Fresh evidence*).)

Condition of handrail—Evidence of previous occupier about work of joiners—Joiners not called at trial—Joiners contradict previous occupier—Whether evidence of joiners could have been obtained with reasonable diligence.
Crook v. Derbyshire, C.A. [1961] 1 W.L.R. 1360.

Credit—Deception of court—Defendant senior police officer—Trial by jury—Defendant reduced in rank for misconduct before trial of action—Demotion concealed from judge, jury and plaintiff—Credit of parties material for determination of issue—Whether defendant entitled to retain judgment. **Meek v. Fleming,** C.A. [1961] 2 Q.B. 366; [1961] 3 W.L.R. 532.

Evidence known to witnesses but not to plaintiff or advisers—Main issue at trial number of scaffold boards provided as platform for working carpenter—Witnesses available and giving evidence at trial—Trial judge accepting evidence that adequate number of boards provided by employers before accident — Statements after trial by witnesses giving evidence or available to give evidence at trial relevant to issue of number of boards provided — Whether evidence which "could not have been obtained with reasonable diligence for use at the trial"—Whether "not available" at trial.
House v. Haughton Brothers (Worcester) Ltd., C.A. [1967] 1 W.L.R. 148.

Medical examinations subsequent to trial—Evidence of—Admissible without any special grounds—R.S.C., Ord. 58, r. 9 (2).
S. v. S. (orse. W.), C.A. [1963] P. 162; [1962] 3 W.L.R. 396.

New trial—Contract for sale of invention—Evidence that plaintiff had no title—Whether Court of Appeal will order new trial.
Ellis v. Scott (No. 2), C.A. [1965] 1 W.L.R. 276.

Personal injury—Negligence—Road accident—Sobriety of driver—Evidence by passenger of driver's drunkenness—Passenger not called at trial—Passenger friend of driver—Whether evidence of passenger could have been obtained with reasonable diligence—Whether evidence "credible." **Bills v. Roe,** C.A. [1968] 1 W.L.R. 925.

Road accident—Application to call fresh evidence—Proof of requirement that reasonable and due diligence failing to reveal evidence at earlier stage.
Delaney v. Douglas (No. 1), C.A. [1969] 3 All E.R. 1454.

Damages

Personal injury—Assessment of damages on basis of continued employment by defendants—Plaintiff's dismissal after assessment by Court of Appeal—No mala fides—Admission of fresh evidence by House of Lords—Assessment re-opened.
Murphy v. Stone-Wallwork (Charlton) Ltd., H.L.(E.) [1969] 1 W.L.R. 1023.

————Assessment of future loss of earnings — Basis of award proved wrong immediately after trial—Whether fresh evidence admissible—Effect on damages.
Jenkins v. Richard Thomas & Baldwins Ltd., C.A. [1966] 1 W.L.R. 476.

EVIDENCE—*continued.*

Fresh evidence—*continued.*

Divisional Court

Appeal from justices—Principles on which Divisional Court will admit.
Simm v. Simm, Divl.Ct. [1968] 1 W.L.R. 125.

Minister's decision

Compulsory purchase—Clearance area—Whether house "unfit for human habitation"—Whether fresh evidence admissible—Housing Act, 1957, s. 42 (1), Sch. 3, para. 4 (3), Sch. 4, para. 2.
Ashbridge Investments Ltd. v. Minister of Housing and Local Government, C.A. [1965] 1 W.L.R. 1320.

Statutory appeal to High Court—Right of appeal on point of law—Minister's dismissal of appeal in view of inspector's finding of fact—Fresh evidence casting doubt on finding of fact—Power of court to receive—R.S.C. (Rev. 1965), Ords. 55, 94—Town and Country Planning Act, 1962, s. 180 (1).
Green v. Minister of Housing and Local Government, Divl.Ct. [1967] 2 Q.B. 606; [1967] 2 W.L.R. 192.

Professional discipline

Disciplinary tribunal—Power of appellate court to hear fresh evidence—Solicitor.
Lau Liat Meng v. Disciplinary Committee, P.C. [1968] A.C. 391; [1967] 3 W.L.R. 877.

Will

Evidence led by plaintiff to establish terms of lost will—Copy of statement said to have been typed by registrar-general and signed by plaintiff produced by plaintiff's witnesses—Motion by defendant after close of case to reopen and adduce evidence in denial—Granted by trial judge—Whether evidence admissible—Whether judge's order properly made. **Acosta v. Longsworth,** P.C. [1965] 1 W.L.R. 107.

Hearsay

Marriage, fact of

Statement of deceased possible husband—Counsel's opinion whether marriage valid—Whether admissible. **Taylor v. Taylor,** Cairns J. [1967] P. 25; [1965] 2 W.L.R. 779.

Road traffic

Charge of driving without due care and attention—Registered number of vehicle reported to police by independent witness—Driver interviewed by police "on information received"—Independent witness unable to quote number of vehicle to justices—Inference of driver's identity—Hearsay evidence wrongly admitted.
Jones v. Metcalfe, Divl.Ct. [1967] 1 W.L.R. 1286.

Husband and wife. (*See also* **Privilege.**)

Communication between

Admissibility — Intended communication intercepted — Charge of homicide — Whether intended communication containing admission admissible against spouse making it—Judge's discretion to exclude. **Rumping v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1964] A.C. 814; [1962] 3 W.L.R. 763.

Judicial notice

Alcotest ® 80 device

Approval by Secretary of State as device of a type for breath test—Judicial notice of fact of approval. **Reg. v. Jones (Reginald William),** C.A. [1970] 1 W.L.R. 16.

Motor trade

Judicial notice of conditions in motor trade—Judicial notice of what is a reasonable time.
Poole v. Smith's Car Sales (Balham) Ltd., C.A. [1962] 1 W.L.R. 744.

Object

Article ordinarily made of iron or steel—Article examined by magistrate—Evidence of plating—No cross-examination about basic metal—No other oral evidence—Whether magistrate entitled to find as fact article made of iron or steel—Umbrella.
Littlewoods Mail Order Stores Ltd. v. Storey, Divl.Ct. [1962] 2 Q.B. 286; [1962] 3 W.L.R. 436.

Legitimacy. *See* LEGITIMACY.

Natural justice. *See* NATURAL JUSTICE.

Paternity. *See* LEGITIMACY.

Privilege. (*See also* CROWN; PRACTICE (**Discovery**).)

Affiliation

Questions about an alleged association with mother of illegitimate child—No suggestion of sexual intercourse against mother's wishes—Whether incriminating—Questions suggesting moral stigma—Whether witness may claim privilege.
S. v. E., Chapman J. [1967] 1 Q.B. 367; [1967] 2 W.L.R. 704.

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Privilege—*continued.*

Divorce

Conciliator appointed by husband—Approach to wife—Meeting between parties to explore possibility of reconciliation—Whether occasions privileged.
Theodoropoulas v. Theodoropoulas, Sir Jocelyn Simon P. [1964] P. 311; [1963] 3 W.L.R. 354.

Priest acting as conciliator between estranged spouses—Whether priest can claim privilege from testifying—Test to determine whether spouse has waived privilege.
Pais v. Pais, Baker J. [1970] 3 W.L.R. 830.

Journalist

Source of information—Tribunal of inquiry—Inquiry into security matters connected with spying offences—Newspaper report—Refusal by journalist to disclose source of information—Whether communication between journalist and informant privileged—Tribunals of Inquiry (Evidence) Act, 1921, s. 1 (2) (*b*).
Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.
Attorney-General v. Mulholland. Attorney-General v. Foster, C.A. [1963] 2 Q.B. 477; [1963] 2 W.L.R. 658.

Probate action

Attesting witness—Statements made to solicitor acting for party—Whether privileged.
In the Estate of Fuld, decd., Scarman J. [1965] P. 405; [1965] 3 W.L.R. 162.

Solicitor and client

Warning letter from solicitor—Criminal proceedings against client—Intention to adduce letter in evidence—Court's equitable jurisdiction in confidence—Conflict between private right and public interest. **Butler v. Board of Trade,** Goff J. [1970] 3 W.L.R. 822.

Res gestae

Accompanying statements

Admissibility of statements to third party—Dissolution of partnership—Defendant alleging agreement to buy out plaintiff, followed by admitted acceptance of payment by plaintiff—Statements by plaintiff to third party, not communicated to defendant—Whether admissible to explain plaintiff's intention in accepting payment.
Spittle v. Spittle, Pennycuick J. [1965] 1 W.L.R. 1156.

Restrictive practices. *See* RESTRICTIVE PRACTICES.

Statute

Recitals

Whether conclusive. **Wyld v. Silver,** C.A. [1963] Ch. 243; [1962] 3 W.L.R. 841.

Truth paramount

"Best evidence"

Rating assessment—Well established dictum on "best evidence" in rating assessments out of date—All relevant evidence admissible.
Garton v. Hunter, C.A. [1969] 2 Q.B. 37; [1969] 2 W.L.R. 86.

View by judge

Absence of parties

View of scene of accident by judge alone—Parties not informed of view—Right of judge to rely on own impressions formed at view.
Salsbury v. Woodland, C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

Will. *See* **Document**; **Fresh evidence**; WILL (**Construction**).

Witness

Subpoena. *See* PRACTICE.

Wrongful exclusion of

Justices

Denial of right to cross-examine—Whether new trial should be ordered—Test—Matrimonial Causes Rules, 1957, r. 73 (7).
Blaise v. Blaise, C.A. [1969] P. 54; [1969] 2 W.L.R. 1047.

EX TURPI CAUSA NON ORITUR ACTIO

Assault

Fight after insult

Whether unlawful fight—Whether maxim applicable.
Lane v. Holloway, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

Divorce

Sodomy

Consent by wife—Whether bar to relief.
T. v. T., C.A. [1964] P. 85; [1963] 3 W.L.R. 261.

EX TURPI CAUSA NON ORITUR ACTIO—*continued.*

Land

Claim to possession

Land illegally leased by plaintiff—Uganda.
Amar Singh v. Kulubya, P.C. [1964] A.C. 142; [1963] 3 W.L.R. 513.

EXCHANGE CONTROL

Borrowing foreign currency

Request to pay third party

Foreign currency paid by foreign company at request of British resident outside United Kingdom—" Lend "—" Borrow "—Meaning—Exchange Control Act, 1947, s. 1 (1).
In re **H. P. C. Productions Ltd.,** Plowman J. [1962] Ch. 466; [1962] 2 W.L.R. 53.

Exportation of goods

Prohibition

" Goods "—Bank of England notes—Whether " goods " including money—Whether offence—Sentence—Whether deterrent sentence merited—Exchange Control Act, 1947, s. 22 (1), Sch. 5, Pt. 2, para. 1 (1), Pt. 3, para. 1 (1)—Customs and Excise Act, 1952, s. 56 (2). **Reg. v. Goswami,** C.A. [1969] 1 Q.B. 453; [1968] 2 W.L.R. 1163.

Goods exported to South Africa for consignment to Southern Rhodesia—Whether " ultimate destination " of goods South Africa or Rhodesia—Test—Customs and Excise Act, 1952, s. 56 (2)—Exchange Control Act, 1947, s. 23 (1) (4).
Superheater Co. Ltd. v. Comrs. of Customs and Excise, D.C. [1969] 1 W.L.R. 858.

" Gold "

Gold replicas of minted coins

Original minted coins still currency—Whether replicas " gold coin "—Whether " gold bullion "—Exchange Control Act, 1947, ss. 1 (1), 42 (1).
Freed v. Director of Public Prosecutions, D.C. [1969] 2 Q.B. 115; [1969] 2 W.L.R. 390.

Money paid without Treasury permission

Claim for repayment

Transfer of property outside scheduled territories—Contract and payment made in United Kingdom—Whether lawful payment—Whether recoverable—Exchange Control Act, 1947, s. 7. **Shaw v. Shaw,** C.A. [1965] 1 W.L.R. 537.

Payment for exports

Export of goods to destination outside scheduled territories—Pre-requisite as to prior payment not fulfilled—Ultimate destination of goods Southern Rhodesia—Goods consigned by company to South Africa for reconsignment to Southern Rhodesia—Penalty under customs legislation for export in contravention of exchange control—Penalty also sought against officer of company—Whether knowingly concerned in the exportation with intent to evade prohibitions—Exchange Control Act, 1947, s. 23 (1) (*a*) (4)—Customs and Excise Act, 1952, s. 56 (1) (2).
Hodson v. Superheater Co. Ltd., Liverpool Crown Court [1968] 3 All E.R. 144.

EXECUTION

Appointment of receiver

Proper method of application for

No power in master to make order—Application to be made to judge in chambers—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45 (1)—R.S.C. (Rev. 1965), Ord. 32, r. 11 (1) (*d*); Ord. 50, r. 1 (4).
Barclays Bank Ltd. v. Moore, C.A. [1967] 1 W.L.R. 1201.

Bailiff

Right of entry

Execution of civil process in execution debtor's house—Door unfastened—Entry physically resisted by debtor—Warrant not produced—Debtor's knowledge that a bailiff and purpose of visit—Assault on bailiff—Whether " while in the execution of his duty "—County Courts Act, 1959, s. 30 (1).
Vaughan v. McKenzie, Divl.Ct. [1969] 1 Q.B. 557; [1968] 2 W.L.R. 1133.

Execution of civil process in stranger's house—Mode of entry—Whether entering by closed but unlocked door lawful—Entry by normal mode of entry to stranger's house and finding person or goods sought in stranger's house not trespass—Entry to stranger's house justified by event—Bailiff entering stranger's house at his peril—Entering stranger's house to execute warrant not mere informality in mode of execution—County Courts Act, 1959, ss. 30, 165.
Southam v. Smout, C.A. [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606.

EXECUTION—*continued.*

Charging order on land

Company, against

Registered under Land Registration Act, 1925, but not under Companies Act, 1948, s. 95—Effect. *In re* **Overseas Aviation Engineering (G.B.) Ltd.**, Pennycuick J. [1962] Ch. 738; [1962] 2 W.L.R. 968.

Whether "execution"—Registered under Land Registration Act, 1925, but not under Companies Act, 1948, s. 95—Effect—Meaning of "execution"—Whether execution completed—Companies Act, 1948, s. 325 (as amended).
In re **Overseas Aviation Engineering (G.B.) Ltd.**, C.A. [1963] Ch. 24; [1962] 3 W.L.R. 594.

Trust for sale

Land subject to mortgage—Judgment creditor's charging orders against joint beneficial owners—Whether beneficiary under trust for sale of land having an "interest in land" or only an interest in proceeds of sale—Whether judgment creditor entitled to pay off mortgage debt and redeem mortgage—Whether charging orders effective to create equitable charge—Administration of Justice Act, 1956, s. 35 (1) (3).
Irani Finance Ltd. v. Singh, Buckley J. [1970] 2 W.L.R. 117; C.A. [1970] 3 W.L.R. 330.

Company

Winding up

Sale of goods seized by sheriff under writ of fieri facias—Whether notice of meeting of creditors notice of meeting for voluntary winding up—Title to proceeds of sale of goods—Companies Act, 1948, ss. 293 (1), 326 (2).
Engineering Industry Training Board v. Samuel Talbot (Engineers) Ltd., C.A. [1969] 2 Q.B. 270; [1969] 2 W.L.R. 464.

Writs of fieri facias issued by several judgment creditors—Resolution for voluntary winding up—Judgment creditor who had begun to levy execution before winding up—Whether entitled to retain benefit of execution—Companies Act, 1948, s. 325 (1) (*c*).
In re **Redman (Builders) Ltd.**, Pennycuick J. [1964] 1 W.L.R. 541.

Detinue

Writ of fieri facias

Order for return of boilers or recovery of their value—Whether duty on defendant to tender delivery of boilers to plaintiffs—Whether plaintiffs entitled to levy execution for value of boilers. **Metals & Ropes Co. Ltd. v. Tattersall**, C.A. [1966] 1 W.L.R. 1500.

Distress

Pound-breach

Walking possession agreement—Distraint by landlords on goods for arrears of rent—Goods left in situ on premises under walking possession agreement signed by tenant—Distrained goods including television set owned by third party—Owner removing set without knowledge of distress—Claim against owner of set for treble damages for pound-breach—Whether goods left on premises without manifest sign of distraint validly "impounded or otherwise secured" as against innocent third party—Distress for Rent Act, 1737, s. 10—Law of Distress Amendment Act, 1908, s. 1.
Abingdon Rural District Council v. O'Gorman, C.A. [1968] 2 Q.B. 811; [1968] 3 W.L.R. 240.

Excessive

Seizure by mistake

Action for damages—Malice—Whether necessary to establish—Exemplary damages—Whether recoverable—Presence of defendant at levy—Whether sufficient to establish liability—County Court Rules, 1936 (as amended), Appendix A, Form No. 200.
Moore v. Lambeth County Court Registrar (No. 2), C.A. [1970] 1 Q.B. 560; [1970] 2 W.L.R. 87.

Sequestration. *See* SEQUESTRATION.

Sheriff. (*See also* PRACTICE (**Interpleader**).)

Walking possession agreement

Contents of debtor's dwelling-house—Debtor's refusal to sign walking possession form on ground that contents owned by third party—Form later signed by debtor's wife in occupation of house—Denial by debtor of wife's authority—Interpleader summons taken out by sheriff—Whether possession abandoned by sheriff—Whether signature of responsible caretaker sufficient to give sheriff walking possession—Sheriffs' Fees (Amendment) Order, 1956.
National Commercial Bank of Scotland v. Arcam Demolition and Construction Ltd. and Hatherley Hall Ltd., C.A. [1966] 2 Q.B. 593; [1966] 3 W.L.R. 484.

Execution levied on entire stock in retail shop with walking possession and permission to continue trading—Practice to be followed.
In re **Dalton (A Bankrupt)**, Ch.D. [1963] Ch. 336; [1962] 3 W.L.R. 140.

EXECUTION—*continued.*

Sheriff—*continued.*

Writ of fieri facias

Warrant of execution taken by sheriff's officer to caravan occupied by debtor—Impracticable for officer to remain—Debtor's refusal to sign walking possession agreement—Numerous visits paid by officer—Whether effective seizure—Whether seizure abandoned—Questions of fact—Caravan sold by debtor to third party—No knowledge by purchaser of writ of fieri facias—Subsequent resale with knowledge of writ—Contract of sale containing express warranty that property unencumbered—Whether breach of warranty—Sale of Goods Act, 1893, s. 26 (1), proviso.

Lloyds and Scottish Finance Ltd. v. Modern Cars and Caravans (Kingston) Ltd., Edmund Davies J. [1966] 1 Q.B. 764; [1964] 3 W.L.R. 859.

Stay otherwise than pending appeal

Foreign judgment

Registration under Act of 1933—Action in England raising same issues—Whether execution upon foreign judgment should be stayed—R.S.C., Ord. 47, r. 1 (1) (*a*)—Foreign Judgments (Reciprocal Enforcement) Act, 1933, s. 2 (2).

Ferdinand Wagner v. Laubscher Bros. & Co., C.A. [1970] 2 Q.B. 313; [1970] 2 W.L.R. 1019.

Jurisdiction

Judgment for loan on default on interest payment condition—Default due to clerical error—Whether equitable grounds of defence "special circumstances" for stay—Whether execution "proceedings in any cause or matter"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41—R.S.C. (Rev. 1965), Ord. 47, r. 1 (1).

T. C. Trustees Ltd. v. J. S. Darwen (Successors) Ltd., C.A. [1969] 2 Q.B. 295; [1969] 2 W.L.R. 81.

R.S.C. (Rev. 1965), Ord. 45, r. 11.

London Permanent Benefit Building Society v. de Baer, Plowman J. [1969] 1 Ch. 321; [1968] 2 W.L.R. 465.

Stay pending appeal in action

Jurisdiction of court of trial

Application for stay refused—Subsequent further application—Jurisdiction of court to entertain—Whether court functus officio—"Special circumstances"—R.S.C. (Rev. 1962), Ord. 42, r. 19 (1); Ord. 58, r. 12 (1) (*a*).

Ellis v. Scott (Practice Note), Sachs J. [1964] 1 W.L.R. 976.

EXECUTOR AND ADMINISTRATOR. (*See also* ADMINISTRATION OF ESTATES; PROBATE.)

Administrator

Attorney of foreign administrator

Transfer of assets to nominee of foreign administrator—Whether breach of administration bond—Supreme Court of Judicature (Consolidation) Act, 1925, s. 167 (4).

In the Estate of Weiss, decd., Scarman J. [1962] P. 136; [1962] 2 W.L.R. 353.

Intestacy

Person entitled to grant liable to be prejudiced thereby—Power of court to pass over—Whether "special circumstances"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162 (1).

In the Estate of Newsham, decd., Karminski J. [1967] P. 230; [1966] 3 W.L.R. 1207.

Executor

Realty

Use and occupation by beneficiary without payment—Beneficiary entitled under will to undivided share—Notice to quit—Whether beneficiary entitled to occupy premises rent free—Whether executor entitled to possession and mesne profits.

Williams v. Holland, C.A. [1965] 1 W.L.R. 739.

Renunciation

Joint acts of administration performed with other executors—Renunciation by one executor in order to purchase trust property—Probate granted to remaining executors—Whether renunciation effective—Minimal acts of administration before renunciation—Whether sufficient to amount to intermeddling—Whether sale to executor impeachable by beneficiaries. **Holder v. Holder,** Cross J. [1968] Ch. 353; [1966] 3 W.L.R. 229.
C.A. [1968] Ch. 353; [1968] 2 W.L.R. 237.

Serving sentence of life imprisonment

Whether "special circumstances" rendering it expedient to appoint an administrator—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162 (1) (as amended by Administration of Justice Act, 1928, s. 9).

In the Estate of S., decd., Baker J. [1968] P. 302; [1967] 3 W.L.R. 325.

EXTRADITION. (*See also* FUGITIVE OFFENDER.)

Appeal

Case stated

Divisional Court—Magistrate's refusal to commit—Whether appeal lies by case stated—"Magistrates' court"—Whether foreign state aggrieved by "order, determination or other proceeding of the court"—Magistrates' Courts Act, 1952, ss. 87 (1), 124.

Atkinson v. United States of America Government, D.C. and H.L.(E.) [1969] 3 W.L.R. 1074.

EXTRADITION—*continued.*

Common law

Illegality at

Extradition by deportation order—Whether valid—Aliens Order, 1953, art. 20 (2) (*b*).
Reg. v. Governor of Brixton Prison, *Ex parte* **Soblen,**
John Stephenson J. and C.A. [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154.

Conviction in absence

Provisional arrest in England

Conviction for one offence—Warrant of arrest relating to another—Whether document produced " one of the documents specified " to be furnished within one month—Meaning of " month "—Extradition Act, 1870, ss. 7, 8, 10—Interpretation Act, 1889, s. 3—Anglo-Greek Extradition Treaty, 1910, arts. 8, 9, 15.
Athanassiadis v. Government of Greece (Note), H.L.(E.) [1969] 3 W.L.R. 544.

Extent of treaty

" *Territory* "

Israel—Non-recognition of Israel's sovereignty over Jerusalem—De facto authority recognised—Whether Jerusalem " territory " of Israel Government—Israel (Extradition) Order, 1960. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Schtraks,**
Divl.Ct. [1963] 1 Q.B. 55; [1962] 2 W.L.R. 976.
H.L.(E.) [1964] A.C. 556; [1962] 3 W.L.R. 1013.

Final judgment in default

Conviction in absence after service of process

Whether contrary to natural justice—Relevance—Whether conviction for contumacy—Extradition Act, 1870, s. 26—Anglo-Greek Extradition Treaty, 1910, art. 8.
Athanassiadis v. Government of Greece (Note), H.L.(E.) [1969] 3 W.L.R. 544.

Foreign proceedings offending English justice

" *Convicted* " *fugitive*

Certificate of conviction—Service of initiating process, trial and conviction in absence abroad of alleged fugitive—No knowledge for three years—Whether certificate of conviction conclusive—Whether foreign proceedings contrary to natural justice—Allegation of danger of political persecution—Extradition Act, 1870, ss. 3 (2), 10, 14, 15 (3), 26—Anglo-Greek Extradition Treaty, 1910, arts. 7, 8, 11, 13.
Reg. v. Governor of Brixton Prison, *Ex parte* **Kotronis,** D.C. [1969] 3 W.L.R. 528.
H.L.(E.) [1969] 3 W.L.R. 1107.

Habeas corpus

Appeal

House of Lords—Ambit of jurisdiction to review magistrate's decision—Fresh evidence—Whether admissible — Admissibility on question of jurisdiction — Whether offence political. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Schtraks,**
H.L.(E.) [1964] A.C. 556; [1962] 3 W.L.R. 1013.

Oppression

Inherent jurisdiction of court to prevent abuse of process—Whether applicable—Conviction for non-extraditable offence—Preferment of fresh charges by requesting authority—Whether oppressive—Suggestion that foreign state might act in breach of treaty—Whether matter for court or Secretary of State.
Atkinson v. United States of America Government, D.C. and H.L.(E.)
[1969] 3 W.L.R. 1074.

Successive applications

Refusal of application by Queen's Bench Divisional Court—Refusal by House of Lords to admit fresh evidence—Dismissal of appeal—Second application to Divisional Court—Fresh evidence sought to be adduced as discrediting witnesses—Contention that fresh evidence showing that committal order and decisions on first application obtained by fraud—Whether admissible—Fraud or collusion—Administration of Justice Act, 1960, s. 14 (2). *Ex parte* **Schtraks,** Divl.Ct. [1964] 1 Q.B. 191; [1962] 3 W.L.R. 1435.

Offence of political character

Meaning

Offence in itself not political—Subsequently becoming political—Whether offence of political character at the time of commission—Burden of proof—Extradition Act, 1870, s. 3. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Schtraks,**
Divl.Ct. [1963] 1 Q.B. 55; [1962] 2 W.L.R. 976.
H.L.(E.) [1964] A.C. 556; [1962] 3 W.L.R. 1013.

Person surrendered by foreign state

Committal proceedings

" Crimes . . . proved by . . . facts on which the surrender is grounded "—Whether " crimes . . . disclosed by . . . facts alleged in extradition proceedings "—" Proved "—" Facts "—Charges same as surrender charges—Evidence—Documents—Whether warrant in extradition proceedings for consideration—Evidence by witnesses deposing in extradition proceedings—Whether further evidence admissible—Extradition Act, 1870, s. 19. **Reg. v. Aubrey-Fletcher,** *Ex parte* **Ross-Munro,** Divl.Ct.
[1968] 1 Q.B. 620; [1968] 2 W.L.R. 23.

EXTRADITION—*continued.*

Treaty

Construction

Fugitive criminal " found " within the territory—Conviction for non-extraditable offence—Escape from prison—Subsequent charges of extraditable offences—Whether treaty applicable. **Atkinson v. United States of America Government,** D.C. and H.L.(E.) [1969] 3 W.L.R. 1074.

FACT OR LAW

Causation

Injury through working in mine

Knowledge of attributability to negligence or breach of duty—Whether " material fact "—Limitation Act, 1963, ss. 1 (3), 7 (4).
In re **Pickles v. National Coal Board (Intended Action),** C.A. [1968] 1 W.L.R. 997.

Judicial precedent

How far binding. **Imperial Chemical Industries Ltd. v. Shatwell,** H.L.(E.) [1965] A.C. 656; [1964] 3 W.L.R. 329.

Contract

Frustration

Finding by jury or arbitrator regarding commercial or fundamental difference.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., H.L.(E.) [1962] A.C. 93; [1961] 2 W.L.R. 633.

Whether of service or for services

Inference from terms of contract.
Morren v. Swinton and Pendlebury Borough Council, Divl.Ct. [1965] 1 W.L.R. 576.

Election

Exercise of

Whether writ against principal bars action against agent.
Clarkson Booker Ltd. v. Andjel, C.A. [1964] 2 Q.B. 775; [1964] 3 W.L.R. 466.

Estate duty

Value of land

Hypothetical question of fact. **Buccleuch (Duke) v. Inland Revenue Comrs.,** C.A. [1966] 1 Q.B. 851; [1965] 3 W.L.R. 977.

Husband and wife

Cruelty, intention to injure

Question of fact—Divorce.
Windeatt v. Windeatt (No. 2), C.A. [1963] P. 25; [1962] 2 W.L.R. 1056.

————————Justices.
Gollins v. Gollins, C.A. [1964] P. 32; [1962] 3 W.L.R. 1344.
H.L.(E.) [1964] A.C. 644; [1963] 3 W.L.R. 176.

Desertion

Constructive—Drunkenness. **Hall v. Hall,** C.A. [1962] 1 W.L.R. 1246.

Gravity of conduct

Whether sufficiently grave to constitute cruelty—Question of fact.
Le Brocq v. Le Brocq, C.A. [1964] 1 W.L.R. 1085.

Income tax

Profits of trade

Whether dividend-stripping a trade
Griffiths v. J. P. Harrison (Watford) Ltd., H.L.(E.) [1963] A.C. 1; [1962] 2 W.L.R. 909.

Work in progress—Method of valuation.
Duple Motor Bodies Ltd. v. Inland Revenue Comrs., H.L.(E.) [1961] 1 W.L.R. 739.

" Reasonable time "

Declaration of dividend within—Company surtax.
C. H. W. (Huddersfield) Ltd. v. Inland Revenue Comrs., C.A. [1962] 1 W.L.R. 1223.
H.L.(E.) [1963] 1 W.L.R. 767.

Judicial discretion

Appeal from official referee

Dismissal of action for want of prosecution—Whether correctness of exercise of discretion raises " point of law "—R.S.C. (Rev. 1965), Ord. 58, r. 5.
Instrumatic Ltd. v. Supabrase Ltd., C.A. [1969] 1 W.L.R. 519.

Landlord and tenant

Waiver of breach of covenant

Money accepted and tendered as rent.
Windmill Investments (London) Ltd. v. Milano Restaurant Ltd., Megaw J. [1962] 2 Q.B. 373; [1962] 3 W.L.R. 651.

FACT OR LAW—*continued.*

Libel

Publication

Letter to wife opened by husband. **Theaker v. Richardson,** C.A. [1962] 1 W.L.R. 151.

Rating

Occupation

Legal inference from facts. **Solihull Corpn. v. Gas Council,** C.A. [1961] 1 W.L.R. 619.

Shop—Whether beneficial occupation question of fact and degree.
Appleton v. Westminster Corpn., Divl.Ct. (1963) 61 L.G.R. 535.

Road traffic

"Person driving"

Primary facts not in dispute.
Reg. v. Kelly (Francis William), C.A. [1970] 1 W.L.R. 1050.

Selective employment tax

Qualifying activities

Decision of industrial tribunal on activities—Legal chairman's dissent—Whether falling within specific minimum list headings in Standard Industrial Classification—Whether fact or law—Selective Employment Payments Act, 1966, s. 1 (2) (*a*).
Fisher-Bendix Ltd. v. Secretary of State for Employment and Productivity, C.A. [1970] 1 W.L.R. 856.

——————————————Whether falling within specific minimum list headings in Standard Industrial Classification—Whether fact or law or both—Selective Employment Payments Act, 1966, s. 2 (2) (*a*).
C. Maurice & Co. Ltd. v. Minister of Labour, H.L.(E.) [1969] 2 A.C. 346; [1969] 2 W.L.R. 797.

Shipping

"Weather working day"

Weather preventing work for part of day—Computation of part of day to count—Notional actual working day—Question of fact. **Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries & Food,** H.L.(E.) [1963] A.C. 691; [1963] 2 W.L.R. 439.

Town planning, caravan site

Whether condition in site licence "unduly burdensome"

Esdell Caravan Parks Ltd. v. Hemel Hempstead Rural District Council, Divl.Ct. and C.A. [1966] 1 Q.B. 895; [1965] 3 W.L.R. 1238.

Town planning development

Whether material change of use

Appeal from Minister.
Bendles Motors Ltd. v. Bristol Corpn., Divl.Ct. [1963] 1 W.L.R. 247.
Ben Jay Auto Sales Ltd. v. Minister of Housing and Local Government, Divl.Ct. (1964) 62 L.G.R. 360.

Camping—Effect of Caravan Sites Act. **Devonshire County Council v. Allens Caravans (Estates) Ltd.,** Divl.Ct. (1963) 61 L.G.R. 56.

FACTOR. *See* AGENCY (**Mercantile agent**).

FACTORY. (*See also* BUILDING; CAUSATION; ELECTRICITY; MINES; STATUTORY DUTY.)

Building operation

Person responsible

Occupier or person conducting operations—Breach of Electricity Regulations—Factories Act, 1961, s. 127 (4).
Fisher v. C. H. T. Ltd. (No. 2), C.A. [1966] 2 Q.B. 475; [1966] 2 W.L.R. 391.

Burden of proof. *See* CAUSATION.

Causation. *See* CAUSATION.

Contributory negligence. *See* STATUTORY DUTY.

Crane or lifting machine

Push button control

Workman operating crane thereby, ruptured thumb—Stiff buttons assumed to be faulty control—Stiffness caused by fault in electrical circuit—Whether part of "lifting machine"—Factories Act, 1961, s. 27 (1).
Evans v. Sanderson Bros. & Newbould Ltd., C.A. (1968) 4 K.I.R. 115.

Dangerous machinery (fencing)

Causation. See CAUSATION.

FACTORY—*continued.*

Dangerous machinery (fencing)—*continued.*

Contributory negligence. (*See also* STATUTORY DUTY.)

Breach by employer—Machinery not guarded—Injury to experienced employee—Whether negligent—Whether employee also in breach of statutory duty—Apportionment of blame—Factories Act, 1961, s. 143 (1) (2).
Tearle v. Cheverton & Laidler Ltd., John Stephenson J. (1969) 7 K.I.R. 364.

Breach by employers of statutory duty to fence—Use of machinery by employee without permission—Machinery used incorrectly and incompetently—Failure to adjust guard—Machine not properly fenced even if guard adjusted—Whether breach by employee coterminous with breach of employers—Factories Act, 1961, ss. 14, 16.
Leach v. Standard Telephones and Cables Ltd., Browne J. [1966] 1 W.L.R. 1392.

Felt milling machine—Stationary part not dangerous in itself—Moving material—Whether stationary part and moving material together amounted to dangerous part—Factories Act, 1961, s. 14 (1).
Hindle v. Joseph Porritt & Sons Ltd., Brabin J. [1970] 1 All E.R. 1142.

Criminal liability

Machine wholly fenced except for control panel—Lock of fence governed by control panel key—Power cut off when key removed from panel—Lock forced by employee in breach of section 143 of Factories Act—Resulting injury to another employee—Whether employers liable for breach of duty to fence—Factories Act, 1961, ss. 14, 143, 155 (1) (2).
Wright v. Ford Motor Co. Ltd., Divl.Ct. [1967] 1 Q.B. 230; [1966] 3 W.L.R. 112.

Dangerous combination of machinery and material

Bolts in block—Uncovenanted stroke by machine while bolts being removed—Workman injured by contact with bolt—Whether duty to fence against material in moving machine—Whether duty to fence against danger from unforeseeable movements of machine—Limitations of statutory protection—Factories Act, 1937, s. 14 (1) (3).
Eaves v. Morris Motors Ltd., Winn J. [1961] 1 W.L.R. 511.
C.A [1961] 2 Q.B. 385; [1961] 3 W.L.R. 657.

Danger arising from "nip" between moving workpiece and imperceptibly moving boring bar—Employee applying coolant to workpiece by hand instead of using automatic system provided—Employers' knowledge of practice—Employee's hand caught in "nip"—Whether boring bar dangerous part of machinery—Danger of accident foreseen by employers—Whether ipso facto foreseeable—Employee's inability to establish exactly how accident happened—Whether material—Factories Act, 1961, s. 14 (1).
Johnson v. F. E. Callow (Engineers) Ltd.,
C.A. [1970] 2 Q.B. 1; [1970] 2 W.L.R. 257.
H.L.(E.) [1970] 3 W.L.R. 982.

Danger created by juxtaposition of material and rollers—Juxtaposition in normal operation of machine—Whether rollers a "dangerous" part of machine—Whether duty to fence—Whether risk of injury reasonably foreseeable—Factories Act, 1961, s. 14 (1).
Cross v. Midland and Low Moor Iron and Steel Co. Ltd.,
Divl.Ct. [1965] A.C. 343; [1964] 2 W.L.R. 1365;
H.L.(E.) [1965] A.C. 343; [1964] 3 W.L.R. 1180.

Proximity of extraneous stationary object—Lifting machine—Plaintiff's arm caught in six-and-a-half-inch gap between moving part of machinery and extraneous stationary object—Whether duty to fence—Whether risk of injury reasonably foreseeable—Factories Act, 1937, s. 14 (1).
Pearce v. Stanley-Bridges Ltd., C.A. [1965] 1 W.L.R. 931.

Drilling machine

Dangerous part inadequately fenced—Operator's hand drawn into contact with drill by swarf coming from drill—Accident occurring in a way not reasonably foreseeable—Whether relevant to liability for breach of statutory duty—Factories Act, 1961, s. 14.
Millard v. Serck Tubes Ltd., C.A. [1969] 1 W.L.R. 211.

"Fenced"

Guard provided and ready for use—Machine being re-set—Guard provided for operation not used by workman—Whether machine "fenced"—Workman re-setting machine without calling on help of assistant—Whether reckless—Whether amounting to contributory negligence—Factories Act, 1961, ss. 14, 16.
Foster v. Flexile Metal Co. Ltd., Paull J. (1967) 4 K.I.R. 49.

Grinding machine

Cutters below feed hopper—Material occasionally sticking in hopper—Operatives inserting hands into hopper to push stuck material down—Practice unknown to employers—Warning to operatives not to insert hands—Machine working for three years without accident—Inference by justices that cutters not a reasonably foreseeable cause of injury—Whether a proper inference—Whether a duty to fence—Factories Act, 1961, s. 14 (1).
Woodley v. Meason Freer & Co. Ltd., Divl.Ct. [1963] 1 W.L.R. 1409.

FACTORY—*continued.*

Dangerous machinery (fencing)—*continued.*

"Machinery"

Mobile crane—Whether "machinery"—Factories Act, 1961, s. 14 (1).
Liptrot v. British Railways Board, C.A. [1966] 2 Q.B. 353; [1966] 2 W.L.R. 841.
H.L.(E.) [1969] 1 A.C. 136; [1967] 3 W.L.R. 770.

Overhead travelling cable way—Buckets suspended from cable—Whether cable way "machinery" requiring to be fenced—Factories Act, 1937, s. 14 (1).
Quintas v. National Smelting Co. Ltd., C.A. [1961] 1 W.L.R. 401.

Portable calor gas heater—Whether "machinery"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 85. **Baxter v. Central Electricity Generating Board,** Ashworth J. [1965] 1 W.L.R. 200.

Motion or use, in

Adjustment or repair—Lathe with dangerous nip between cogs—Guard removed for inspection of faulty machine—Workman's decision to tighten loose collar on driving shaft—Starting and stop buttons used for inching the collar round—No evidence of fast speed—Whether "in motion or use"—Factories Act, 1961, ss. 14, 16.
Mitchell v. W. S. Westin Ltd., C.A. [1965] 1 W.L.R. 297.

Cleaning—Inching button—Printing machine being cleaned—Motion produced by electrical power controlled by manually operated inching button—Machine running at slow speed for cleaning purposes—Whether machine "in motion or in use"—Factories Act, 1937, ss. 14, 16, 20—Operations at Unfenced Machinery Regulations, 1938 and 1946.
Knight v. Leamington Spa Courier Ltd., C.A. [1961] 2 Q.B. 253; [1961] 3 W.L.R. 79.

————————————Rotation of cylinder to clean other side—Whether machine "in motion or in use"—Factories Act, 1937, ss. 14, 16. **Kelly v. John Dale Ltd.,** Winn J. [1965] 1 Q.B. 185; [1964] 3 W.L.R. 41.

Parts ejected from machine—Drilling bit shattered—Whether "dangerous part" of machine—Whether risk of injury reasonably "foreseeable"—Factories Act, 1937, s. 14 (1). **Close v. Steel Co. of Wales Ltd.,** H.L.(E.) [1962] A.C. 367; [1961] 3 W.L.R. 319.

Printing machine—Operator injured whilst feeding paper into printing press—Machine being moved at low speed by inching button—Ordinary course of printing work—Whether "in motion or in use"—Factories Act, 1937, ss. 14, 16.
Conboy v. King & Hutchings Ltd., Paull J. (1963) 61 L.G.R. 516.

————————Preparation for printing—Cylinder turned short distance—Whether machine "in motion or use"—Factories Act, 1961, ss. 14 (1), 16.
Stanbrook v. Waterlow & Sons Ltd., C.A. [1964] 1 W.L.R. 825.

Process of installation—Hoist completed—Not yet in intended use—Whether obligation to fence—Factories Act, 1937, ss. 14 (1), 16—Factories Act (Northern Ireland), 1938, ss. 15, 17.
Irwin v. White, Tomkins & Courage Ltd., H.L.(N.I.) [1964] 1 W.L.R. 387.

Whether machinery in use—Operated solely for purposes of examination and adjustment—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 85.
Baxter v. Central Electricity Generating Board, Ashworth J. [1965] 1 W.L.R. 200.

Revolving shaft in upper storey of factory

Whether "transmission machinery"—Machine intended to be driven by mechanical power—Unfenced shaft—Whether breach of duty by employers of workmen to fence—Factories Act, 1937, ss. 17, 152.
Uddin v. Associated Portland Cement Manufacturers Ltd., McNair J. [1965] 2 Q.B. 15; [1965] 2 W.L.R. 327.

Tool held by operator, contact with

Duty to fence against workpiece coming into contact with moving machinery—Band saw—Pulley wheel partly exposed—Casting handled by operator coming in contact with revolving wheel—Whether dangerous part of machinery—Whether duty to fence—Factories Act, 1937, s. 14 (1).
Johnson v. J. Stone & Co. (Charlton) Ltd., Hinchcliffe J. [1961] 1 W.L.R. 849.

No duty to fence against—Operator injured by tool coming into contact with machine—Factories Act, 1937, s. 14 (1).
Sparrow v. Fairey Aviation Co. Ltd., Streatfeild J. [1961] 1 W.L.R. 844.
C.A. [1962] 1 Q.B. 161; [1961] 3 W.L.R. 855.
H.L.(E.) [1964] A.C. 1019; [1962] 3 W.L.R. 1210.

Unexplained accident

Failure to fence "nip" between conveyor belt and framework of machinery—Employee's fingers caught in nip—Liability of employers—Factories Act, 1961, s. 14 (1).
Allen v. Aeroplane and Motor Aluminium Castings Ltd., C.A. [1965] 1 W.L.R. 1244.

FACTORY—*continued.*

Dangerous machinery (fencing)—*continued.*

Woodworking machine

Circular saw—Guard could not be brought down sufficiently far to afford adequate protection—Unskilled operator acting otherwise than in course of employment—Whether duty owed by employers—Contributory negligence—Damages—Woodworking Machinery Regulations, 1922, reg. 10 (*c*). **Smith v. Supreme Wood Pulp Co. Ltd.,** Melford Stevenson J. [1968] 3 All E.R. 753; 5 K.I.R. 314.

————Guards removed when " owing to the nature of the work being done the use of the guards . . . is rendered impracticable "—Whether availability of more suitable machines to be considered—Woodworking Machinery Regulations, 1922, regs. 10, 21. **Harriman v. Martin,** C.A. [1962] 1 W.L.R. 739.

Dangerous machinery (manufacture)

Persons liable

Machine intended to be driven by mechanical power—Manufacturer's obligation—Whether any duty upon factory employer or occupier—Factories Act, 1937, s. 17. **Uddin v. Associated Portland Cement Manufacturers Ltd.,** McNair J. [1965] 2 Q.B. 15; [1965] 2 W.L.R. 327.

Definition

Administration block

Aeroplane factory — Administration block within the perimeter of factory — Block used by administrative and technical staff for drawing and designing aircraft engines—Separate entrance to the block from the highway—Whether administration block forming part of the factory premises—Factories Act, 1961, ss. 28 (1), 175 (1) (6). **Powley v. Bristol Siddeley Engines Ltd.,** Megaw J. [1966] 1 W.L.R. 729.

Photographic agency

Prints made by manual labour from negatives—Right to reproduce prints sold—Prints returned after use — Whether prints " articles " — Whether premises a " factory "—Factories Act, 1937, s. 151 (1) (6). **Paul Popper Ltd. v. Grimsey,** Divl.Ct. [1963] 1 Q.B. 44; [1962] 2 W.L.R. 886.

Premises partially used for manufacturing

Photographic agency—Manual labour used only in dark room and glazing room—Whole premises including offices and library as well—Whether whole premises a " factory "—Factories Act, 1937, s. 151 (1) (6). **Paul Popper Ltd. v. Grimsey,** Divl.Ct. [1963] 1 Q.B. 44; [1962] 2 W.L.R. 886.

Premises partly used for repairs

Sale and hire of radio and television sets carried out in shop—Repairs carried out by employee in separate workroom—Whether " manual labour "—Whether premises a factory—Factories Act, 1961, s. 175 (1). **Haygarth v. J. & F. Stone Lighting & Radio Ltd.,** Divl.Ct. [1966] 1 Q.B. 91; [1965] 3 W.L.R. 316. H.L.(E.) [1968] A.C. 157; [1966] 3 W.L.R. 879.

Pump-house

Water pumped into a factory—Essential part of bleaching and finishing textiles—Whether pumping a process for an incidental to work carried on in factory—Whether pump-house part of factory—Factories Act, 1937, s. 151 (1) (6). **Newton v. John Stanning & Son Ltd.,** Divl.Ct. [1962] 1 W.L.R. 30.

Pumping station

" Altering " or " cleaning " an article—Water—Whether an " article "—Whether pumping station a " factory "—Factories Act, 1937, s. 151 (1) (6) (9). **Longhurst v. Guildford, Godalming and District Water Board,** H.L.(E.) [1963] A.C. 265; [1961] 3 W.L.R. 915.

Warehouse

Transit shed—Occupied partly by port authority and partly by licensee—Used for storage of cargo unloaded from ships—Whether a " warehouse "—Defective stairway—Injury to licensee's employee — Breach of statutory duty — Liability — Factories Act, 1937, ss. 25, 105. **Fisher v. Port of London Authority,** Melford Stevenson J. [1962] 1 W.L.R. 234.

Dermatitis. *See* NEGLIGENCE **(Safe system).**

Eyes

Protection

" Fettling of metal castings "—" Fettling "—Fitter altering casting—Factories Act, 1937, s. 49—Protection of Eyes Regulations, 1938, reg. 1, Sch. **Prophet v. Platt Brothers & Co. Ltd.,** C.A. [1961] 1 W.L.R. 1130.

Floor

Maintenance

Metal plate on floor—Slippery substance—Obstruction—" Reasonably practicable "—Onus of proof—Factories Act, 1961, s. 28 (1). **Dorman Long (Steel) Ltd. v. Bell,** H.L.(E.) [1964] 1 W.L.R. 333.

FACTORY—*continued.*

Floor—*continued.*

Maintenance—continued.

Obstruction, obligation to keep floor free from—Foundry—Metal embedded in sand floor—Workman injured by tripping—Whether "reasonably practicable" to keep floor free—Factories Act, 1961, s. 28 (1).
Jenkins v. Allied Ironfounders Ltd., H.L. (Sc.) [1970] 1 W.L.R. 304.

——————————————Materials stored on floor—Place at which workman had to stand—Materials on floor for many years—Whether on the "floors"—Whether "obstruction"—Factories Act, 1937, ss. 25 (1), 26 (1) (as amended by Factories Act, 1959, ss. 4, 5)—Factories Act, 1961, s. 28 (1).
Pengelley v. Bell Punch Co. Ltd., Davies L.J. [1964] 1 W.L.R. 433.

Obstruction, obligation to keep passage free from—Trolley placed in passageway for unloading in normal course of working—Whether "obstruction"—Factories Act, 1937, s. 25 (1) (as amended by Factories Act, 1959, s. 4).
Marshall v. Ericsson Telephones Ltd., C.A. [1964] 1 W.L.R. 1367.

Obstruction, obligation to keep "passages and gangways" free from—Factory road 30 feet wide—Whether "passage" or "gangway"—Coil of wire imbedded in tarmac—Road only swept during day—Whether sufficient compliance with obligation—Accident before daybreak—Factories Act, 1961, s. 28 (1).
Thornton v. Fisher & Ludlow Ltd., C.A. [1968] 1 W.L.R. 655.

Slippery substance—Obligation to keep floor free from "so far as is reasonably practicable"—Extent of statutory duty—Whether necessary for plaintiff to show that reasonable occupier would have foreseen presence of substance on floor—Whether discharged by entrusting work resulting in substance on floor to responsible workman—Onus of proof—Factories Act, 1961, s. 28 (1).
Williams v. Painter Brothers Ltd., C.A. (1968) 4 K.I.R. 487.

——————Water—Passage—"Substance likely to cause persons to slip"—Flooded passage floor swept but left with puddles—Reasonably practicable to make floor drier—Feet of passers down passage making grating damp—Employers' liability to employee slipping on grating—Factories Act, 1961, s. 28.
Taylor v. Gestetner Ltd., Paull J. (1967) 2 K.I.R. 133.

Slippery substances—Obligation to keep floor free from so far "as reasonably practicable"—Extent of statutory duty—Factories Act, 1937, s. 25 (1) (as amended by Factories Act, 1959, s. 4). **Braham v. J. Lyons & Co. Ltd.,** C.A. [1962] 1 W.L.R. 1048.

Foundry. *See* IRON AND STEEL.

Heavy load

Injury by lifting

Disabled workman—Instructed to ask for help in lifting weights if necessary—Help readily available—Whether employers entitled to leave decision to ask for help to workman—Whether breach of statutory duty—Whether safe system of work—Factories Act, 1961, s. 72 (1). **Peat v. N. J. Muschamp & Co. Ltd.,** C.A. (1969) 7 K.I.R. 469.

Lifting tackle

Hook

Steelworks—Removal of "scab"—Hook suspended from chain of crane placed under "scab"—Strain taken up by crane to enable brick to be placed under "scab"—Whether "raising" operation—Factories Act, 1961, s. 26 (1) (*a*) (3).
Ball v. Richard Thomas & Baldwins Ltd., C.A. [1968] 1 W.L.R. 192.

Lighting

Accident prior to work in workshop

Fall over tie-bar being used for construction of mixer—Three pilot lights providing 0·5 foot candles at floor level if measurement excludes shadow produced by mixer—Whether "suitable and sufficient lighting"—Factories Act, 1961, s. 5 (1) (2)—Factories (Standards of Lighting) Regulations, 1941, regs. 2 (*a*) (*b*), 4.
Lane v. Gloucester Engineering Co. Ltd., C.A. [1967] 1 W.L.R. 767.

"Sufficient and suitable"

Coil of wire in factory roadway causing plaintiff to fall—Road lights not switched on—Light might have enabled plaintiff to see wire—Whether "effective provision" of "sufficient and suitable lighting"—Factories Act, 1961, s. 5 (1).
Thornton v. Fisher & Ludlow Ltd., C.A. [1968] 1 W.L.R. 655.

Onus of proof. *See* CAUSATION.

"Persons employed"

Unauthorised act

Unauthorised act in unauthorised place by workman—Workman injured by unfenced revolving shaft—Injury sustained during working hours—Whether duty to fence—Whether employers in breach of duty—"Employed"—Factories Act, 1937, s. 14 (1).
Uddin v. Associated Portland Cement Manufacturers Ltd.,
McNair J. [1965] 2 Q.B. 15; [1965] 2 W.L.R. 327.
C.A. [1965] 2 Q.B. 582; [1965] 2 W.L.R. 1183.

FACTORY—*continued.*

Persons not liable

"Operator"

Statutory defence of "owner or occupier"—"Contravention . . . of . . . regulation . . . which expressly imposes . . . duty"—Regulation imposing duty on "person who . . . carries on . . . operations . . . and . . . all . . . persons employed"—Factory occupier carrying on operations—Breach of regulation by driver and shunter—Whether statutory defence available to occupier if also "operator"—Factories Act, 1961, s. 155 (2)—Locomotives and Waggons on Lines and Sidings Regulations, 1906, Introductory words; para. 14. **Wagon Repairs Ltd. v. Vosper,** Divl.Ct. (1967) 3 K.I.R. 605.

Persons protected

Any person

Independent contractor—Whether occupier under a duty to ensure safety—Secure foothold—"Any person"—Meaning—Factories Act, 1937, s. 26.
Wigley v. British Vinegars Ltd., H.L.(E.) [1964] A.C. 307; [1962] 3 W.L.R. 731.

Safe means of access

Dry dock

Boat under repair—Boiling pitch to be carried along deck—Obstructions—Injury to workman carrying pitch—Factories Act, 1937, s. 26.
Gardiner v. Admiralty Comrs., H.L.(Sc.) [1964] 1 W.L.R. 590.

Ladder

Death through fall from ladder—Movable platform would have prevented accident—Occupiers relying on deceased workman's skill and experience—Occupiers held in breach of statutory duty—Whether deceased workman guilty of contributory negligence—Whether deceased workman's contributory negligence extinguished widow's claim—Factories Act, 1937, s. 26 (1) (2)—Factories Act, 1959, s. 5.
Ross v. Associated Portland Cement Manufacturers Ltd., H.L.(E.) [1964] 1 W.L.R. 768.

"Means of access"

Whether one place can be means of access and working place at same time in respect of one employee—"Means of access" to be given ordinary meaning—"Reasonably practicable"—Presence of temporary obstruction—Whether reasonably foreseeable danger—Factories Act, 1961, s. 29 (1).
Taylor v. Coalite Oils & Chemicals Ltd., C.A. (1967) 3 K.I.R. 315.

Safe place of work

Onus of proof

Welder's fall from ladder in factory—Fall caused by ladder slipping—Welder sole witness at trial—Whether ladder safe—Whether for employers to prove safe "so far as is reasonably practicable"—Whether breach of duty established—Factories Act, 1961, s. 29 (1). **Garner v. John Thompson (Wolverhampton) Ltd.,** C.A. (1968) 6 K.I.R. 1.

Safe system of work. *See* NEGLIGENCE.

Safety device

Safety belt

Steel erector killed in fall—No safety belt provided—Established that man would not have worn one if it had been provided—Causal connection between breach and accident—Onus of proof—Factories Act, 1937, s. 26 (2).
McWilliams v. Sir William Arrol & Co. Ltd., H.L.(Sc.) [1962] 1 W.L.R. 295.

Secure foothold or handhold

Ladder

Window-cleaner cleaning swinging window 30 feet above ground—No fastening—Whether secure foothold and handhold provided by ladder—"Hand-hold"—Meaning of—Whether occupier under a duty to provide other means to ensure safety—Factories Act, 1937, s. 26 (2). **Wigley v. British Vinegars Ltd.,** C.A. [1961] 1 W.L.R. 1261.
H.L.(E.) [1964] A.C. 307; [1962] 3 W.L.R. 731.

Sub-contractor. *See* BUILDING (**Safety regulations**).

Unloading wagons

Workman standing on bales

Duty to keep working place safe—Safe place of work—"So far as is reasonably practicable"—Onus of proof—Factories Act, 1961, s. 29 (1).
Nimmo v. Alexander Cowan & Sons Ltd., H.L.(Sc.) [1968] A.C. 107; [1967] 3 W.L.R. 1169.

Woman or young person

Cleaning machinery

Cylinder being cleaned by material held in hand—Hand in close proximity to cylinder when inching—Whether cleaning exposed woman to risk from moving part of machinery—"Cleaning thereof"—Factories Act, 1937, s. 20.
Kelly v. John Dale Ltd., Winn J. [1965] 1 Q.B. 185; [1964] 3 W.L.R. 41.

FACTORY—*continued.*

Woman or young person—*continued.*

Cleaning machinery—continued.

17 year old plaintiff cleaning cylinders with rag held in hand—Cylinders moved by inching button—Rag applied while cylinder moving—Hand caught in cylinders—Whether cylinders "moving part" when being inched—Whether plaintiff "cleaning" part of machine while moving cylinders—Whether exposed to risk from moving part—Factories Act, 1961, s. 20. **Denyer v. Charles Skipper and East Ltd.,** C.A. [1970] 1 W.L.R. 1087.

FAIR. *See* MARKET.

FALSA DEMONSTRATIO NON NOCET. *See* CONTRACT (**Construction**: *Repugnancy*).

FALSE IMPRISONMENT

Arrest, powers of. *See* ARREST.

Arrest on suspicion

Distinction between reasonable suspicion and prima facie proof

Compensatory damages—Exemplary damages.
Hussien v. Chong Fook Kam, P.C. [1970] A.C. 942; [1970] 2 W.L.R. 441.

FAMILY ALLOWANCE

Obtaining or receiving

"As on account of an allowance"

Receipt by person other than book holder—State of mind of person receiving—"Knowing that it was . . . not properly receivable . . ."—Whether statutory offence absolute—Soliciting person other than book holder to obtain allowance—Agreement to obtain allowance of book holder—Whether state of mind of person obtaining or receiving material—Family Allowances Act, 1945, ss. 4, 9 (2) (*b*), 10—Family Allowances (Making of Claims and Payments) Regulations, 1946, regs. 8, 12.
Reg. v. Curr, C.A. [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595.

FAMILY PROVISION

Act of 1966

Matrimonial causes

Extension of time—Alteration of agreements after death of one party—Maintenance from deceased's estate—Applications for extension of time separate head of relief—Interim orders—No necessity for specific request—Adjournment to judge in chambers—Matrimonial Causes Act, 1965, ss. 25, 26—Family Provision Act, 1966, ss. 5, 6.
Practice Direction (Family Provision: Extension of Time), P.D.A. [1967] 1 W.L.R. 624.

Apportionment of award

Allocation of burden among beneficiaries

Award to testator's widow—Testator's direction that burden of any award to widow to be borne by grandchildren's share—Jurisdiction to allocate burden between classes of beneficiaries—Unequal apportionment between beneficiaries of same class—Inheritance (Family Provision) Act, 1938, s. 3 (1) (2) (as amended by Intestates' Estates Act, 1952, Sch. 3). *In re* **Preston, decd.,** Burgess V.-C. [1969] 1 W.L.R. 317.

Child

Daughter married

Marriage declared null and void during testator's lifetime—Whether daughter "daughter who has not been married"—Inheritance (Family Provision) Act, 1938, s. 1 (1) (*b*) (as amended by Intestates' Estates Act, 1952, Sch. 3).
In re **Rodwell, decd.,** Pennycuick J. [1970] Ch. 726; [1969] 3 W.L.R. 1115.

Daughter unmarried

Marriage of parents dissolved—Settlement by father for maintenance and education during minority—Subsequent remarriage and death—Whole estate to second wife—Statement in will that adequate provision made for daughter—Whether reasonable provision made—Burden of proof—Inheritance (Family Provision) Act, 1938, s. 1 (1) (*b*) (as amended by Intestates' Estates Act, 1952, Sch. 3).
In re **Ducksbury, decd.,** Buckley J. [1966] 1 W.L.R. 1226.

Compromise

Consent

Widow's application for additional provision out of husband's estate—Compromise by parties to summons—Court asked to approve on behalf of others interested not parties to the summons—Summons to be amended to include prayer for administration of estate.
In re **Lofts, decd. (Practice Note),** Stamp J. [1968] 1 W.L.R. 1949.

Representation order

Widow's application for reasonable provision out of deceased husband's estate—Pecuniary and residuary legatees—Representatives authorised to defend proceedings—Ascertained net estate insufficient—Compromise between parties—Whether court empowered to approve compromise—Whether application a proceeding "concerning the administration of the estate" of the deceased—Inheritance (Family Provision) Act, 1938, s. 1—R.S.C., Ord. 15, r. 13 (1) (4); Ord. 104, r. 6.
In re **Knowles, decd.,** Stamp J. [1966] Ch. 386; [1966] 3 W.L.R. 51.

FAMILY PROVISION—*continued.*

Evidence

Deceased's state of mind

Whether testator's "reasons" for not making provision for dependant—Whether relevant to issue of reasonable provision—Allegation of deceased's irrational jealousy—Whether admissible—Inheritance (Family Provision) Act, 1938, s. 1 (7) (as amended).
In re **Blanch, decd.,** Buckley J. [1967] 1 W.L.R. 987.

Exhibited statements

Evidence in applications to continue to be by way of exhibited statements—R.S.C., Ord. 63, r. 4 (1) (*c*). **Practice Direction (Evidence: Family Provision and Infant Matters),** Ch. D. [1967] 1 W.L.R. 698.

No longer expected—Modification of earlier direction.
Practice Direction (Chancery Division: Miscellaneous Provisions), Ch.D. [1970] 1 W.L.R. 977.

Former wife

Discharge of maintenance order in divorce suit

Whether claim for provision out of deceased's estate barred—Matrimonial Causes Act, 1965, s. 26. *In re* **M., decd.,** Stirling J. [1968] P. 174; [1968] 2 W.L.R. 459.

Dismissal of claim for maintenance in divorce suit

Whether claim for provision out of deceased's estate barred—Matrimonial Causes Act, 1950, s. 19 (as amended)—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3.
In re **S., decd.,** Cairns J. [1965] P. 165; [1965] 2 W.L.R. 986.

Jurisdiction pending application for reasonable provision

Estate bequeathed by former husband to mistress—Assets of estate including house bought by husband and occupied by former wife and children—Mortgage instalments on house unpaid—Orders for possession of house obtained by building society—Court orders requiring executor to pay mortgage arrears to building society pending determination of former wife's application for reasonable provision out of estate—Whether jurisdiction to make order to preserve status quo—Whether orders made constituting preservation of estate—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3—Matrimonial Causes Act, 1965, s. 26—R.S.C., Ord. 50, r. 3.
In re **Ferrar's Application,** C.A. [1966] P. 126; [1966] 3 W.L.R. 444.

Practice

Adjournment of application "to a judge in London"—Application properly heard by judge in chambers—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3—Matrimonial Causes Rules, 1957 (as amended), rr. 58B (1) (4), 58A (9A).
In re **Bellman, decd.,** Scarman J. [1963] P. 239; [1963] 2 W.L.R. 314.

Testator remarried

Estate bequeathed by husband to second wife—No provision for former wife—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3.
In re **Talbot, decd.,** Baker J. [1962] 1 W.L.R. 1113.

——————————————No misconduct towards testator by former wife—Whether former wife moral claim on testator's bounty—Whether failure to make "reasonable provision" for former wife—Small estate, rapidly declining—Order for small weekly payment—Intention that former wife entitled to secure upward variation when estate realised—Larger order likely to cause improvident realisation of estate — Costs — Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3 (1) (3) (5).
Roberts v. Roberts, Sir Jocelyn Simon P. [1965] 1 W.L.R. 560.

Estate bequeathed to children and widow—No provision therein for former wife—Secured maintenance for former wife—Whether failure to make reasonable provision for former wife—Relevant factors for determination of reasonable provision—Matrimonial Causes Act, 1965, s. 26. *In re* **Eyre, decd.,** Lane J. [1968] 1 W.L.R. 530.

Estate bequeathed to children by second wife—No provision for former wife—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3.
In re **Bellman, decd.,** Scarman J. [1963] P. 239; [1963] 2 W.L.R. 314.

Second wife predeceasing testator—Intestacy—Estate divisible between relatives—No recent contact with testator—Former wife better off than relatives—Whether reasonable for testator to make provision for former wife—Matrimonial Causes Act, 1965, s. 26 (1) (2) (*a*). *In re* **Harker-Thomas, decd.,** Latey J. [1969] P. 28; [1968] 3 W.L.R. 1297.

Intestacy

Child

Daughter unmarried—Death of mother—Father's subsequent remarriage—Infant daughter taken into care of local authority—Death of father intestate—Whether intestacy unreasonable disposition of estate—Estate substantially derived from daughter's mother—Reasonable provision for daughter—Inheritance (Family Provision) Act, 1938, s. 1 (1) (2) (3) (4) (8) (as amended by Intestates' Estates Act, 1952, Sch. 3).
In re **Sivyer, decd.,** Pennycuick J. [1967] 1 W.L.R. 1482.

FAMILY PROVISION—*continued.*

Intestacy—*continued.*

Illegitimate child

Succession rights—Application for letters of administration—Death on or after January 1, 1970—Procedure—Family Law Reform Act, 1969.
Practice Direction (Succession Rights: Illegitimate Children), P.D.A. [1969] 1 W.L.R. 1863

Jurisdiction

Subjective or objective test

Residue of estate left to widow—Residue smaller than contemplated—Whether " disposition . . . not reasonable provision "—Whether jurisdiction to order provision for widow —Relevance of testator's intention—Events following testator's death—Whether to be taken into account—" Reasonable "—Widow in receipt of national assistance—Whether order to run from date of death—Inheritance (Family Provision) Act, 1938, s. 1 (1) (as amended by Intestates' Estates Act, 1952, Sch. 3).
In re **Goodwin, decd.,** Megarry J. [1969] 1 Ch. 283; [1968] 3 W.L.R. 558.

Limitation

Extension of time

Circumstance " affecting " administration or distribution of estate—Dependant's ignorance of extent of benefit given by will—Misapprehension not due to executors' fault—Whether time should be extended—Inheritance (Family Provision) Act, 1938, s. 2 (1) (1A) (as amended).
In re **Bluston, decd.,** Cross J. and C.A. [1967] Ch. 615; [1966] 3 W.L.R. 583.

——————————————————Ignorance of value of estate—Widow's belief that testator a poor man—Whether circumstance affecting administration or distribution—Inheritance (Family Provision) Act, 1938, s. 2 (1) (1A) (as amended).
In re **Hodgkinson, decd. (Note),** C.A. [1967] Ch. 634; [1966] 3 W.L.R. 596.

——————————————————————

————Negotiations—Inheritance (Family Provision) Act, 1938, as amended by Intestates' Estates Act, 1952, s. 2 (1) (1A).
In re **McNare, decd.,** Ungoed-Thomas J. [1964] 1 W.L.R. 1255.

" Circumstances " affecting administration or distribution of estate—Grant to defendant in common form—Widow's citation to revoke grant—Grant affirmed over four years later—Widow's application for provision within six months of affirmation—Whether limitation period running from grant in ordinary form or from affirmation—Whether probate action " other circumstances " causing limitation period to operate unfairly—Inheritance (Family Provision) Act, 1938 (as amended by Intestates' Estates Act, 1952), s. 2 (1) (1A) (*c*). *In re* **Miller, decd.,** Pennycuick J. [1969] 1 W.L.R. 583.

Widow's application—Negotiations between solicitors—Lapse of time not appreciated—Court's unfettered discretion to allow extension—How discretion should be exercised—Inheritance (Family Provision) Act, 1938, s. 2 (1) (as amended by Intestates' Estates Act, 1952, Sch. 3 and Family Provision Act, 1966, s. 5 (2)).
In re **Ruttie, decd.,** Ungoed-Thomas J. [1970] 1 W.L.R. 89.

Widow's application lodged one day after expiry of six-month period—Dilatory solicitor and postal delays—Executor's solicitors aware of claim and likely to delay distribution of estate pending decision—Whether " other circumstances " affecting administration or distribution of estate—Whether limitation period operating unfairly " in consequence of such circumstances "—Inheritance (Family Provision) Act, 1938, s. 2 (1A) (as amended by Intestates' Estates Act, 1952).
In re **Kay, decd.,** Russell L.J. [1965] 1 W.L.R. 1463.

Order

Enforcement

Order for payment of lump sum out of estate to widow—Widow's application to enforce payment—Whether a " judgment or order for . . . payment of money "—Whether necessity for separate administration action—R.S.C. (Rev. 1965), Ord. 42, r. 2; Ord. 45, r. 1 —Inheritance (Family Provision) Act, 1938, s. 1.
In re **Jennery, decd.,** C.A. [1967] Ch. 280; [1967] 2 W.L.R. 201.

Practice

Extension of time

Application for relief—Agreement to postpone service—Master's grant of extension of time to plaintiff—Defendants' unconditional appearance—Defendants seeking to set aside master's order—Whether application " made " when summons issued—Master's discretion—Inheritance (Family Provision) Act, 1938, s. 2 (1)—R.S.C., Ord. 6, r. 8.
In re **Chittenden, decd.,** Ungoed-Thomas J. [1970] 1 W.L.R. 1618.

Separate head of relief in originating summons—Interim orders—No necessity for specific request—Adjournment to judge in chambers—Family Provision Act, 1966, ss. 5, 6.
Practice Direction (Family Provision: Extension of Time: Interim Orders), Ch.D. [1967] 1 W.L.R. 431.

FAMILY PROVISION—*continued.*

Practice—*continued.*

Interim payments

Distribution of estate suspended pending hearing—Hardship to applicant and beneficiary—Duty of executors to consider payment pending hearing.
In re **Ralphs, decd.,** Cross J. [1968] 1 W.L.R. 1522.

Small estate

Relevance

Significance of amount of estate—Relevance of state aid—Inheritance (Family Provision) Act, 1938, s. 1 (as amended).
In re **Clayton, decd.,** Ungoed-Thomas J. [1966] 1 W.L.R. 969.

Variation of order

" *Periodical payments* "

Whether of variable fraction of annual income of estate—Whether fixed sum—" Annual income "—Order that whole of income of residuary estate be paid to widow—Whether authorised by Act—Income doubled—Savings made by widow out of income—Whether " substantial change in circumstances " of widow—Whether jurisdiction to vary—Inheritance (Family Provision) Act, 1938, ss. 1, 3, 4 (1) (*a*) (as amended by Intestates' Estates Act, 1952). *In re* **Gale, decd.,** C.A. [1966] Ch. 236; [1966] 2 W.L.R. 571.

Widow

" *Reasonable provision* "

Discretion of judge—Small estate—Testator and widow separated 41 years—No support given to widow by testator during his lifetime—No provision for her in will—Widow's application dismissed by county court judge—Whether proper exercise of discretion—Whether Court of Appeal will interfere—Inheritance (Family Provision) Act, 1938, s. 21 (1) (6) (7) (as amended by Intestates' Estates Act, 1952)—Family Provision Act, 1966, s. 7 (1), Sch. 3, para. 1 (1). *In re* **Gregory, decd.,** C.A. [1970] 1 W.L.R. 1455.

——————When Court of Appeal will interfere—Order for additional £100 a year made by judge—Amount increased on appeal—Whether realisation of capital improvident—Inheritance (Family Provision) Act, 1938, s. 1 (1) (6) (as amended by Intestates' Estates Act, 1952, Sch. 3). *In re* **Thornley, decd.,** C.A. [1969] 1 W.L.R. 1037.

Small estate

Testator and widow living apart under provisions of separation deed—Testator's moral obligation to mistress—Whether reasonable to make no provision for widow—Date at which facts to be considered—Whether moral obligation to be considered—Relevance of state aid to widow—Inheritance (Family Provision) Act, 1938, s. 1 (as amended by Intestates' Estates Act, 1952, Sch. 3). *In re* **E., decd.,** Stamp J. [1966] 1 W.L.R. 709.

Widow earning adequate income

No financial claims made on testator during marriage—Effect on " dependant " status—Separation after seven months—Efforts by widow at reconciliation—Legacy of £1,000 to widow—Statement in will giving reasons for not making further provision for wife—Mis-statement of agreement between parties—Estate left to testator's mother—Passing on mother's death to distant relatives—Whether failure to make reasonable provision—Appropriate order—Inheritance (Family Provision) Act, 1938, s. 1 (as amended by Intestates' Estates Act, 1952, Sch. 3, and Family Provision Act, 1966, Sch. 3).
In re **Clarke, decd.,** Plowman J. [1968] 1 W.L.R. 415.

Widower

Sex discrimination

Crippled widower earning £10 a week—Whether unreasonable to make no provision—Substantial diminution in income on retirement—Inheritance (Family Provision) Act, 1938, s. 1 (as amended by Intestates' Estates Act, 1952, Sch. 3).
In re **Clayton, decd.,** Ungoed-Thomas J. [1966] 1 W.L.R. 969.

FATAL ACCIDENTS ACTS

Damages

Assessment

Husband's claim for loss of wife's services—Three small children—Uncontroverted evidence as to weekly wage required by resident housekeeper—Husband aged 51—10-year multiplier—Whether award too high. **Jeffery v. Smith,** C.A. [1970] R.T.R. 279.

Mother's possible dependency — Father's claim for infant son's death — Possibility of father's death or disablement owing to medical history—Whether nominal damages to be paid to mother. **Wathen v. Vernon,** C.A. [1970] R.T.R. 471.

Widow's dependency—Husband's large earnings.
Taylor v. O'Connor, H.L.(E.) [1970] 2 W.L.R. 472

——————Inflation of currency—Whether to be taken into account.
Mallett v. McMonagle, H.L.(N.I.) [1970] A.C. 166; [1969] 2 W.L.R. 767.

FATAL ACCIDENTS ACTS—*continued.*

Damages—*continued.*

Assessment—continued.

Widow's dependency—Inflation of currency constantly occurring—Possibility of widow remarrying—Whether to be taken into account.
Miller v. British Road Services Ltd., Waller J. [1967] 1 W.L.R. 443.

————————Judge's assessment of maximum sum for dependency during widow's expectation of life—Deductions for immediate receipt of lump sum—Relevance of actuarial calculations—Whether sums received from deceased husband's estate to be deducted pound for pound—Fatal Accidents Acts, 1846–1908, s. 2.
Whittome v. Coates, C.A. [1965] 1 W.L.R. 1285.

————————Mistress sole testamentary beneficiary—Widow claiming under family inheritance provisions—Executor's action for benefit of estate—Payment in generally—Executor wishing to accept money paid in—Whether locus standi in widow or mistress—Success unlikely on contested claim on causation of death by accident—Whether apportionment under Fatal Accidents Acts appropriate.
Farmer v. Rash, Willis J. [1969] 1 W.L.R. 160.

————————Possibility of widow remarrying—No evidence as to intention—Rent received for lodgers—Whether to be taken into account.
Buckley v. John Allen & Ford (Oxford) Ltd., Phillimore J. [1967] 2 Q.B. 637; [1967] 2 W.L.R. 759.

Widow's and infants' dependency—Deceased husband a criminal with no honest employment—Widow's action on behalf of estate and on behalf of dependants—Whether maintainable—Fatal Accidents Act, 1846, ss. 1, 2.
Burns v. Edman, Crichton J. [1970] 2 Q.B. 541; [1970] 2 W.L.R. 1005.

————————————Possibility of widow remarrying—Evidence as to intention—Whether possibility of remarriage to be taken into account—Effect on children's dependency—Fatal Accidents Acts, 1846–1908.
Goodburn v. Thomas Cotton Ltd., C.A. [1968] 1 Q.B. 845; [1968] 2 W.L.R. 229.

Infant dependants

Death of infant's mother soon after death of father—Home provided for infant by relatives—Assessment of dependency—Whether account to be taken of charity—Fatal Accidents Act, 1846, s. 2.
Rawlinson v. Babcock & Wilcox Ltd., Chapman J. [1967] 1 W.L.R. 481.

Death of remaining spouse intestate two years after death of deceased—Action by infant dependants and administrators of both estates—Estate of deceased consisting of money and house—Probable sale of house—Whether accelerated benefit to infant dependants—Whether deduction in respect of house should be made—Fatal Accidents Act, 1846, s. 2.
Voller v. Dairy Produce Packers Ltd., Nield J. [1962] 1 W.L.R. 960.

Jury, question for—Assessment and apportionment on broad lines—Uganda.
Kassam v. Kampala Aerated Water Co. Ltd., P.C. [1965] 1 W.L.R. 668.

Remarriage of widow—Husband in better financial position than deceased husband—Infant children accepted into husband's family—Right of infants to damages for death of father—Effect of subsequent matrimonial legislation on claim under Fatal Accidents Act—Matrimonial Proceedings (Children) Act, 1958, s. 1 (1)—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 16. **Reincke v. Gray,** C.A. [1964] 1 W.L.R. 832.

Insurance or pensions scheme

Company's insurance on life of director—Payment to company—Value of shares increased by payment—Director's shares inherited by widow—Whether increased value of shares a benefit—Whether "insurance money"—Fatal Accidents Act, 1959, s. 2 (1).
Malyon v. Plummer, Mocatta J. [1963] 1 Q.B. 419; [1962] 3 W.L.R. 1378.
C.A. [1964] 1 Q.B. 330; [1963] 2 W.L.R. 1213.

Jury, question for. (*See also Infant dependants.*)

Arithmetic no substitute for common sense—Widow's claim—Widow's benefit from estate—Calculation—Principles of assessment—Fatal Accidents Act, 1846, s. 2.
Daniels v. Jones, C.A. [1961] 1 W.L.R. 1103.

Remarriage pending appeal. See EVIDENCE (**Fresh evidence**).

Salary to wife

One-man company—Loss of salary paid to wife—Salary in excess of market rate—Benefits purchased from salary—Whether salary and benefits purchased from it lost by death of husband—Whether recoverable.
Malyon v. Plummer, Mocatta J. [1963] 1 Q.B. 419; [1962] 3 W.L.R. 1378.
C.A. [1964] 1 Q.B. 330; [1963] 2 W.L.R. 1213.

FATAL ACCIDENTS ACTS—*continued.*

Limitation of action

Death at sea

Collision—Crew—Action against vessel in which injury occurred—Whether two-year period applicable—Maritime Conventions Act, 1911.
The Niceto de Larrinaga, Hewson J. [1966] P. 80; [1965] 3 W.L.R. 573.

————Whether two- or three-year period applicable—Maritime Conventions Act, 1911, s. 8—Law Reform (Limitation of Actions) Act, 1954, s. 3.
The Alnwick, Hewson J. and C.A. [1965] P. 357; [1965] 3 W.L.R. 118.

Practice

Consent order

Acceptance by widow of lump sum on behalf of herself and infant—Consent order for approval of settlement—Widow's remarriage before order drawn up—Remarriage unknown to parties' solicitor at time of order—Whether order should be set aside—R.S.C., Ord. 80, r. 12. **Dietz v. Lennig Chemicals Ltd.,** C.A. [1966] 1 W.L.R. 1349.
H.L.(E.) [1969] 1 A.C. 170; [1967] 3 W.L.R. 165.

Writ on behalf of infant—No statement that infant suing in representative capacity—No particulars delivered of persons for whom action brought—Consent order in favour of infant only and stay—Application by widow to remove stay—Whether consent order a nullity—Whether jurisdiction to remove stay—R.S.C., Ord. 3, r. 4—Fatal Accidents Act, 1846, ss. 2, 3, 4—Fatal Accidents Act, 1864, s. 1.
Cooper v. Williams, C.A. [1963] 2 Q.B. 567; [1963] 2 W.L.R. 913.

Shipping. *See* SHIPPING (**Limitation of liability**).

FIJI

Customs

False customs entry

Evidence—Admission made on reading labels—Evidential value.
Comptroller of Customs v. Western Lectric Co. Ltd., P.C. [1966] A.C. 367; [1965] 3 W.L.R. 1229.

Labels or markings—Whether evidence of country of origin—Whether hearsay.
Patel v. Comptroller of Customs, P.C. [1966] A.C. 356; [1965] 3 W.L.R. 1221.

Whether absolute offence—Statutory provision containing number of offences—Whether mens rea necessary ingredient of all offences—" Place whence such goods were brought " —Whether place whence brought by importer—Customs Ordinance, ss. 116, 152.
Patel v. Comptroller of Customs, P.C. [1966] A.C. 356; [1965] 3 W.L.R. 1221.

Native land

Unlawful " dealing " with

Oral consent of lessee to erection of dwelling-house on part of leased land—Consent of Native Land Trust Board not obtained—Unlawful " dealing " with the land—Claim against lessee to equitable charge or lien on leased land for sum expended on building —Native Land Trust Ordinance (Laws of Fiji, 1955 Rev., c. 104), s. 12 (1).
Chalmers v. Pardoe, P.C. [1963] 1 W.L.R. 677.

Share farming agreement—Agreement of purely contractual and personal character—Whether agreement an " alienation " of the farmer's interest—Whether a " dealing with the land "—Native Land Trust Ordinance (Laws of Fiji, 1955 Rev., c. 104), s. 12.
Kulamma v. Manadan, P.C. [1968] A.C. 1062; [1968] 2 W.L.R. 1074.

FINE. *See* CRIME (**Sentence**).

FIRE. (*See also* HOUSING; NEGLIGENCE.)

Fires Prevention Act

" Any fire shall accidentally begin "

Accidental fire started by lightning—Spread owing to occupier's negligence—No defence under Fires Prevention (Metropolis) Act, 1774, s. 86.
Goldman v. Hargrave, P.C. [1967] 1 A.C. 645; [1966] 3 W.L.R. 513.

Non-natural use of land

Matters for consideration—Combustible materials brought on land by defendant—Materials used in business and stacked in yard by common boundary—Provision of fire-fighting equipment and means of access—Sufficiency—Cause of fire unknown—Escape to adjoining garden—Whether duty on defendant to maintain constant lookout for fire—Whether ineffectiveness of provided equipment proof of culpable failure to provide more adequate equipment—" Sic utere tuo ut alienum non laedas "—Whether defendants liable—Fires Prevention (Metropolis) Act, 1774, s. 86.
Mason v. Levy Auto Parts of England Ltd., MacKenna J. [1967] 2 Q.B. 530; [1967] 2 W.L.R. 1384.

FIRE BRIGADE

Offence against discipline

Fire brigade order

Order recognising "discretion" of driver to proceed against red light when answering emergency calls—Refusal by brigade members to man vehicles where drivers exercise discretion—Whether order lawful—Whether injunction lies to restrain disciplinary proceedings—London Fire Brigade Order, No. 144/8.
Buckoke v. Greater London Council, Plowman J. [1970] 1 W.L.R. 1092.

FIREARM. (*See also* CRIME.)

Air gun discharged in field

Whether used in public place

Air Guns and Shot Guns, etc., Act, 1962, s. 1.
Gorely v. Codd, Nield J. [1967] 1 W.L.R. 19.

Meaning

Lethal weapon

Starting revolver—Revolver easily adapted to fire bullet with lethal force—Possession without firearm certificate—Firearms Act, 1968, ss. 1 (1) (*a*), 57 (1).
Reg. v. Freeman, C.A. [1970] 1 W.L.R. 788.

FISHERY

Private waters

"Taking" fish

Angling for sport—Intention to return fish to water unharmed—No intention to deprive water of fish—Whether an offence—"Take"—Whether bona fide belief in claim of right valid defence—"Unlawfully and wilfully"—Larceny Act, 1861, s. 24.
Wells v. Hardy, Divl.Ct. [1964] 2 Q.B. 447; [1964] 2 W.L.R. 958.

"Protection"

Crabs

Public representative body's by-law—Absence of general statutory provision prohibiting use of edible crabs 4½ inches and over for bait—Local fisheries committee's by-law prohibiting use of all sizes of edible crab for bait—Need to preserve edible crabs under 4½ inches—Whether by-law unreasonable—Test—Whether repugnant to legislation—Whether specific by-law necessary for directing non-application of proviso to section 8 of Act of 1877—Fisheries (Oyster, Crab and Lobster) Act, 1877, s. 8, proviso—Sea Fisheries (Regulation) Act, 1888, ss. 2 (1) (*c*), 4—Sea Fisheries (Shell Fish) Regulation Act, 1894, s. 1 (1). **Jones v. Davies**, Divl.Ct. (1967) 66 L.G.R. 223.

Salmon and trout

Possession of instrument for taking

Circumstances affording reasonable grounds for suspecting obtained for purpose of committing offence—No evidence to contrary—Whether sufficient to support conviction—Hang net in motor vehicle near tributary of River Tweed—Whether burden on defence to displace suspicion or on prosecution to prove intent—Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951, ss. 2, 7 (1) (2).
Ryan v. Ross, Divl.Ct. [1963] 2 Q.B. 151; [1963] 2 W.L.R. 796.

"Instrument"—Inflatable rubber dinghy and fish basket—Whether capable of being "instruments"—Salmon and Freshwater Fisheries (Protection) (Scotland) Act, 1951, ss. 7 (1) (2), 10 (1), 19 (1) (2).
Gibson v. Ryan, Divl.Ct. [1968] 1 Q.B. 250; [1967] 3 W.L.R. 997.

"Tidal waters"

Whether confined to water above low water mark—Whether confined to lateral ebb and flow—Whether including place where vertical rise and fall—Local knowledge of justices—Salmon and Freshwater Fisheries Act, 1923, s. 11.
Ingram v. Percival, D.C. [1969] 1 Q.B. 548; [1968] 3 W.L.R. 663.

FIXTURE. *See* CHATTEL.

FOOD AND DRUGS. (*See also* MERCHANDISE MARKS; WEIGHTS AND MEASURES.)

Act or default of third person

Nature of proceedings

Seller acquitted and supplier convicted—Appeal by supplier—Whether seller necessary party to supplier's appeal—Food and Drugs Act, 1955, s. 113 (1).
Oxo Ltd. v. Chappell, Divl.Ct. [1966] 2 Q.B. 228; [1966] 2 W.L.R. 1435.

Regulations, offences against

Sale of contaminated milk bottled by producer — Distributor charged — Information by distributor against producer—Whether appropriate procedure—Food and Drugs Act, 1955, s. 113. **United Dairies (London) Ltd. v. Beckenham Corpn.**, Divl.Ct. [1963] 1 Q.B. 434; [1961] 2 W.L.R. 737.

FOOD AND DRUGS—*continued.*

Bread

Deficiency in weight

Defence of accident—Evidence that weight checker injured—Deficiencies occurring during absence of weight checker and shift foreman—No proof of reasonable precautions and due diligence—Whether defence made out—Burden of proof—Bread Order, 1953, art. 3 (1) (2) (*b*). **Read v. West Wales Bakeries Ltd.**, Divl.Ct. (1962) 60 L.G.R. 515.

Cream

Analyst's certificate

Statement in certificate that samples "not cream but imitation cream"—No details of analysis—Observation that imitation cream within meaning of statutory provision—Charge of selling imitation cream under description including the word "cream"—Whether certificate admissible in evidence—Whether in prescribed form—Whether justices entitled to hear opinion of expert—Food and Drugs Act, 1955, s. 47—Public Analysts Regulations, 1957.
Tolson v. Larcombes (Bellingham), Ltd., Divl.Ct. (1962) 60 L.G.R. 75.

Drugs

Sale

Pharmaceutical chemist with contract with National Health Service—Executive Council—Medicine supplied under National Health prescription—Chemist paid by executive council for supplying medicine—Glass found in medicine—Whether a "sale" by chemist to National Health Service executive council—Food and Drugs Act, 1955, s. 2.
Appleby v. Sleep, Divl.Ct. [1968] 1 W.L.R. 948.

Food

Label

Pre-packed food—Beetroot—"Whole cooked beetroots"—Processing—Peeling and trimming to remove inedible parts—Whether preventing beetroots from being whole cooked beetroots—"Appropriate designation"—Six per cent. acetic acid content—Whether changing nature of beetroots—Labelling of Food Order, 1953, arts. 4 (3), 6 (1), Sch. 1, Table B. **Birmingham Pre-packers Ltd. v. Fowler**, D.C. (1969) 67 L.G.R. 353

Purchase with warranty

Perishable food—Pie in sealed container—Sale by retailer before latest date recommended by suppliers—Pie mouldy when sold—Defence that pie sold in same state as when purchased—"Same state," meaning of—Food and Drugs Act, 1955, ss. 2 (1), 115 (1).
Watford Corpn. v. Maypole Ltd., D.C [1970] 1 Q.B. 573; [1970] 2 W.L.R. 220.

Unfit for human consumption

Mens rea—Tinned meat containing flies—Consigned by manufacturer to retailer—Justices finding that flies present at date of consignment—Manufacturer's liability to exercise reasonable diligence to ascertain presence of flies—Whether at point of time when consignment dispatched or during processes of manufacture—Food and Drugs Act, 1955, s. 8 (1) (*b*) (3).
John Wilson & Co. (Foods) of York v. Thomas, Divl.Ct. (1961) 59 L.G.R. 264.

Sale of pork pie with mould under crust—Mould not injurious to health—Whether "pie unfit for human consumption"—Food and Drugs Act, 1955, s. 8 (1).
David Grieg Ltd. v. Goldfinch, Divl.Ct. (1961) 59 L.G.R. 304.

Seized food—Inspection by justice—Receipt of evidence from officials—Hearing of application for condemnation by justice—Officials not giving evidence—Evidence and submissions by objectors—Justice retiring with officials to take advice—Decision announced without indicating what further advice if any received—Justice's duty to act fairly—Whether breach of rules of natural justice—Food and Drugs Act, 1955, s. 9 (1) (2) (3)—Colouring Matter in Food Regulations, 1966, reg. 5 (1).
Reg. v. Birmingham City Justice, *Ex parte* **Chris Foreign Foods (Wholesalers) Ltd.**, D.C. [1970] 1 W.L.R. 1428.

Label calculated to mislead

Canned food

Label describing contents of the tin as "fully prepared, sliced, selected tinned apples (unsweetened)"—Loss of 25 per cent. of total solids present in natural apples—30 per cent. extraneous matter—Processes before canning depriving contents of some natural juice—Method of canning similar to that employed in industry in canning other fruits and vegetables—Product acceptable—Whether label misleading—Whether reference to processing required—Food and Drugs Act, 1955, s. 6 (1).
Arlidge v. Blue Cap Foods (Kent) Ltd., Divl.Ct. (1965) 63 L.G.R. 167.

Milk

Adulteration

Sample—Milk purchased from retailer—Supplier prosecuted—Whether sample correctly given to retailer—Food and Drugs Act, 1955, s. 93.
Marston v. Wrington Vale Dairies Ltd., Divl.Ct. (1963) 61 L.G.R. 202.

FOOD AND DRUGS—*continued.*

Milk—*continued.*

Adulteration—continued.

Sample—Milk taken by purchaser from full bottle—Bottle resealed by purchaser—Taken by sampling officer to dairy—Dairy tested half—Half taken for analysis—Whether sampling officer obtained milk in bulk or sample under the Act—Whether bulk can be converted to sample—Whether statutory defence available if bulk obtained—Food and Drugs Act, 1955, ss. 91, 94 (4), 108.
Dwerryhouse v. United Co-operative Dairies Ltd., Divl.Ct. [1962] 1 W.L.R. 372.

Cleanliness of bottle

Milk bottled by producer in distributor's bottles—Ash found in bottle—Liability of distributor—" Immediately before use "—" Use "—Milk and Dairies (General) Regulations, 1959, reg. 27 (1). **United Dairies (London) Ltd. v. Beckenham Corpn.,** Divl.Ct. [1963] 1 Q.B. 434; [1961] 2 W.L.R. 737.

Pasteurisation process

Process by wholesaler involving removal of harmful bacteria if present in milk—Adulteration not involved in process—Presumption that some harmful bacteria present and destroyed by pasteurisation—Whether pasteurised milk on sale " in the same state as when . . . purchased . . ." by wholesaler—Whether what was sold was exactly what was purchased—Food and Drugs Act, 1955 s. 115 (1) (*c*).
Hall v. Owen-Jones, Divl.Ct. [1967] 1 W.L.R. 1362.

Pasteurised milk

Milk with excessive penicillin purchased by Milk Marketing Board from farmer—Written warranty by farmer that sale lawful—Milk sold in same state to wholesalers—Pasteurisation by wholesalers and sale to retailer—Sale by retailer of milk not of the substance demanded—" Proceedings for an offence " against Board—Defence of written warranty —Whether available—" Alleged offence "—Whether " then " in same state as when purchased by Board—Food and Drugs Act, 1955, ss. 113, 115 (1).
Milk Marketing Board v. Hall, Divl.Ct. [1968] 1 W.L.R. 704.

Transport of milk in churns

Churns retained by transport contractors—Use for purposes other than as containers for milk—Churns not used for containing milk for considerable period—But for retention by contractors would have been used for milk by dairymen—Whether " in use " for the purposes of the business of a dairyman—Milk and Dairies (General) Regulations, 1959, reg. 25.
Manning's (Devon) Ltd. v. Ponting, Divl.Ct. (1965) 64 L.G.R. 92.

Purchase with warranty

" Proceedings for an offence "

Milk with excessive penicillin from cow—Purchase by Milk Marketing Board from farmer with written warranty that sale lawful—Sale in same state to wholesalers—Wholesalers pasteurising and selling in different state to retailer—Retailer selling milk not of substance demanded because of penicillin—Whether defence of purchase with warranty available to Milk Marketing Board—" Alleged offence "—" Then "—Food and Drugs Act, 1955, s. 115 (1). **Milk Marketing Board v. Hall,** Divl.Ct. [1968] 1 W.L.R. 704.

Substance of article demanded

Adulterated drink

Sale of watered gin on licensed premises—Sale by barmaid employed by brewery company—Whether licensee liable for barmaid's acts—Licensing Act, 1953, s. 120 (1)—Food and Drugs Act, 1955, s. 2.
Goodfellow v. Johnson, Divl.Ct. [1966] 1 Q.B. 83; [1965] 2 W.L.R. 1235.

Milk

Constituent not properly present in milk—Penicillin—Presence of penicillin in excess of recommended maximum in milk from cow when milked—Sale of milk with excess penicillin—Whether milk " of substance demanded "—Whether a defence that milk in same state as when it came from cow—Food and Drugs Act, 1955, s. 2 (1).
Hall v. Owen-Jones, Divl.Ct. [1967] 1 W.L.R. 1362.

Mock salmon cutlettes

Fish content less than statutory minimum for fish cakes—Evidence that cutlettes should be superior to fish cakes—Whether sufficient evidence for justices to hold below minimum standard—" Mock "—Food and Drugs Act, 1955, s. 2.
Tonkin v. Victor Value Ltd., Divl.Ct. [1962] 1 W.L.R. 339.

Sausages

Exterior mould on goods sold to purchaser—Prosecution—Evidence that mould harmless —Whether goods of quality demanded by purchaser—Whether prima facie case that offence committed—Submission of no case—Too readily accepted by justices—Food and Drugs Act, 1955, s. 2. **Findlay v. Superfare Ltd.,** Divl.Ct. (1962) 60 L.G.R. 145.

Stewed steak in gravy

Meat content 60 per cent.—Analyst's opinion that meat content should be 75 per cent.—Opinion based on Food Standards Committee report—Price of commodity not considered —Whether right to refer to report—Whether price a material consideration—Food and Drugs Act, 1955, s. 2.
A. J. Mills & Co. Ltd. v. Williams, Divl.Ct. (1964) 62 L.G.R. 354.

FOREIGN JURISDICTION

Extension of enactments

Fugitive offender

Recognising foreign country as if British possession for purposes of enactments extended thereto under Her Majesty's jurisdiction—Extension to Qatar of Fugitive Offenders Act, 1881—Foreign Jurisdiction Act, 1890, s. 5 (1) (2).

Reg. v. Secretary of State for Home Affairs, *Ex parte* **Demetriou,** Divl.Ct. [1966] 2 Q.B. 194; [1966] 2 W.L.R. 1066.

FOREIGN LAW. *See* CONFLICT OF LAWS; EVIDENCE; HUSBAND AND WIFE.

FORFEITURE. *See* LANDLORD AND TENANT.

FRANCHISE. *See* MARKET.

FRAUD. (*See also* CRIME; GAMING.)

Constructive fraud

Principal and agent

Fraudulent misrepresentation by undisclosed principals inducing buyer to sell to agents—Agents ignorant of principals' frauds—Whether contract enforceable by agents.

Garnac Grain Co. Inc. v. H. M. F. Faure and Fairclough Ltd., Megaw J. [1966] 1 Q.B. 650; [1965] 2 W.L.R. 696.

Fraud to court (discretion to refuse order)

Divorce

Adultery denied—Finding of adultery based on an inference—No proof of perjury.

Howarth v. Howarth, C.A. [1964] P. 6; [1963] 3 W.L.R. 551.

Discretion statement—Failure to make—Adultery proved in earlier proceedings—Adultery denied—No proof of perjury.

Chetwynd-Talbot v. Chetwynd-Talbot, Ormrod J. [1963] P. 436; [1963] 3 W.L.R. 1.

Maintenance—Concealment by wife of adultery.

M. v. M., Hewson J. [1962] 1 W.L.R. 845.

————————————————————Whether husband's liability affected.

B. (M. A. L.) v. B. (N. E.), Payne J. [1968] 1 W.L.R. 1109.

Petitioner's false denial of adultery.

Bull v. Bull, Sir Jocelyn Simon P. [1968] P. 618; [1965] 3 W.L.R. 1048.

Expedited divorce

Leave to present petition obtained by "misrepresentation"—Meaning—Whether it need be wilful—Matrimonial Causes Act, 1950, s. 2 (1).

Stroud v. Stroud (No. 2), Wrangham J. [1963] 1 W.L.R. 1083.

Intent to defraud. *See* CRIME.

Meaning

Deceit

Whether charge of robbery "charge of fraud"—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6 (1) (*a*).

Barclays Bank Ltd. v. Cole, C.A. [1967] 2 Q.B. 738; [1967] 2 W.L.R. 166.

Misrepresentation

Vendor and purchaser

Misrepresentations as to status of lessee in letters to prospective purchaser of reversion—Contract for purchase entered into by purchaser on basis of letters—Benefit of contract assigned to plaintiff—Reversion conveyed to plaintiff on direction of purchaser—Whether plaintiff can rely on misrepresentation.

Gross v. Lewis Hillman Ltd., C.A. [1970] Ch. 445; [1969] 3 W.L.R. 787.

FRUSTRATION. *See* CONTRACT.

FUGITIVE OFFENDER. (*See also* EXTRADITION.)

Application of Act

"British possession"

Qatar—Warrant signed by Qatar judge and indorsed by Bow Street magistrate—Committal pursuant to Fugitive Offenders Act, 1881—Extension of Act to Qatar—Reciprocal operation of Act—"Part of Her Majesty's dominions"—"To the extent of that jurisdiction"—Whether Qatar to be treated as if British possession—Whether jurisdiction in magistrate to commit—Fugitive Offenders Act, 1881, ss. 2, 36, 39—Foreign Jurisdiction Act, 1890, s. 5 (1) (2), Sch. 1—Qatar Order in Council, 1949, art. 12 (1)—Qatar Order, 1959, art. 12, Sch. 2.

Reg. v. Secretary of State for Home Affairs, *Ex parte* **Demetriou,** Divl.Ct. [1966] 2 Q.B. 194; [1966] 2 W.L.R. 1066.

FUGITIVE OFFENDER—*continued.*

Application of Act—*continued.*

Ghana

Republic constituted in 1960—Suspension of Constitution following coup d'état in 1966—Whether Act applies to Constitution of 1966—Fugitive Offenders Act, 1881, s. 2—Ghana (Consequential Provision) Act, 1960, s. 1 (1).
Reg. v. Governor of Brixton Prison, *Ex parte* **Armah,** Divl.Ct. [1968] A.C. 192; [1966] 3 W.L.R. 23.

Evidence

Deposition

" Strong or probable presumption " that fugitive committed offence—Prima facie case—Authenticated sworn statements taken by magistrate in Ghana—Whether " depositions " for purposes of Act—Fugitive Offenders Act, 1881, ss. 29, 39.
Reg. v. Governor of Brixton Prison, *Ex parte* **Armah,** Divl.Ct. [1968] A.C. 192; [1966] 3 W.L.R. 23.

Sworn statements by witnesses—Refusal of Canadian magistrate to permit cross-examination by offender's counsel—Whether deposition admissible—" Deposition "—Fugitive Offenders Act, 1881, ss. 29, 39. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Caldough,** Divl.Ct. [1961] 1 W.L.R. 464.

Whether " strong or probable presumption " that fugitive offender committed offence connotes more than prima facie case—Fugitive Offenders Act, 1881, s. 5.
Reg. v. Governor of Brixton Prison, *Ex parte* **Armah,** H.L.(E.) [1968] A.C. 192; [1966] 3 W.L.R. 828.

" *Relevant offence* "

" Evidence . . . in support of . . . request for . . . return "—Conspiracy to defraud—Alleged conspiracy in Canada—Evidence that persons defrauded in U.S.A.—Valuable securities obtained outside Canada—Whether evidence " sufficient to warrant . . . trial for . . . offence if . . . committed within . . . jurisdiction of the court "—Fugitive Offenders Act, 1967, s. 7 (5) (*a*).
Reg. v. Governor of Brixton Prison, *Ex parte* **Rush,** D.C. [1969] 1 W.L.R. 165.

Ireland, Republic of

Warrant issued by justice in Eire

Automatic indorsement by English magistrate on production of warrant and proof person named within area—Whether discretion in magistrate—Whether Eire offence must correspond with English offence—Whether statutory requirements regarding safeguards of accused persons complied with—Backing of Warrants (Republic of Ireland) Act, 1965, ss. 1, 2, 5, Sch. 3.
Reg. v. Metropolitan Police Comr., *Ex parte* **Arkins,** Divl.Ct. [1966] 1 W.L.R. 1593.

Person named in warrant Englishman—Endorsed in Eire for execution in England—Endorsement by deputy commissioner of Garda Siochana—Automatic endorsement by English magistrate on production of warrant and proof of signature of issuing justice—Whether discretion in magistrate—Whether proof of compliance with statutory requirements and prima facie case necessary—Whether signature by deputy commissioner of Garda Siochana sufficient—Indictable Offences Act, 1848, s. 12—Petty Sessions (Ireland) Act, 1851, s. 27 (3)—Irish Free State (Consequential Provisions) Act, 1922, s. 6—Irish Free State (Consequential Adaptation of Enactments) Order, 1923, art. 8—Magistrates' Courts Act, 1952, Sch. 5. **Reg. v. Metropolitan Police Comr.,** *Ex parte* **Hammond,** Divl.Ct. [1964] 2 Q.B. 385; [1964] 2 W.L.R. 777.
H.L.(E.) [1965] A.C. 810; [1964] 3 W.L.R. 1.

Jurisdiction

Habeas corpus

Evidence—Alleged offences under Cyprus Criminal Code—Committal to prison to await deportation to Cyprus—Whether evidence before magistrate disclosed strong or probable presumption of guilt—Power of court to look at evidence before magistrate—Fugitive Offenders Act, 1881, ss. 2, 5, 10.
Reg. v. Governor of Brixton Prison, *Ex parte* **Mourat Mehmet,** Divl.Ct. [1962] 2 Q.B. 1; [1962] 2 W.L.R. 686.

————Charge of falsification of document—No primary evidence of document—Order for committal—Primary evidence subsequently available—Affidavit stating offences punishable with imprisonment—No evidence that punishable on indictment or information with hard labour—Power of court to remit—Whether court power to receive evidence—Fugitive Offenders Act, 1881, ss. 5, 9.
Reg. v. Governor of Brixton Prison, *Ex parte* **Sadri,** Divl.Ct. [1962] 1 W.L.R. 1304.

Under section 10

Delay—Charges of dishonest cheating—Arrest of offender ten years after offences committed—Offender living openly in England—Home and new life made in England—Whether " unjust and oppressive " to order return—" Or otherwise "—Whether power to discharge limited to cases where offence trivial or application for return made in bad faith—Fugitive Offenders Act, 1881, s. 10.
Reg. v. Governor of Brixton Prison, *Ex parte* **Naranjan Singh,** Divl.Ct. [1962] 1 Q.B. 211; [1961] 2 W.L.R. 980.

FUGITIVE OFFENDER—*continued.*

Jurisdiction—*continued.*

Under section 10—continued.

Whether court entitled to take cognisance of political character of application for return of offender—Fugitive Offenders Act, 1881, s. 10.
Zacharia v. Republic of Cyprus, Divl.Ct. and H.L.(E.) [1963] A.C. 634; [1962] 2 W.L.R. 1163.

"Unjust or oppressive"

Whether "unjust or oppressive" to return fugitive—Undertaking to eliminate injustice and oppression—Whether court to be influenced by undertaking—Fugitive Offenders Act, 1881, s. 10. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Armah,**
Divl.Ct. [1968] A.C. 192; [1966] 3 W.L.R. 23.
H.L.(E.) [1968] A.C. 192; [1966] 3 W.L.R. 828.

"Relevant offence"

Offence not offence in United Kingdom

Evidence—Warrants issued in Commonwealth country charging obtaining money by false pretences by false representation—Request for return accompanied by warrants—Authority to proceed stating offender accused of obtaining money by false pretences—Warrants accompanying authority—Depositions taken in Commonwealth country—Whether "evidence tendered in support of . . . request"—"Offence to which the authority relates"—"Act or omission constituting the offence"—Whether disclosed by warrants—Fugitive Offenders Act, 1967, ss. 3 (1), 5, 7 (5).
Reg. v. Governor of Brixton Prison, *Ex parte* **Gardner,**
Divl.Ct. [1968] 2 Q.B. 399; [1968] 2 W.L.R. 512.

Warrant

Form of

"Stealing by clerk, fraudulent false accounting, etc. . . ."—Other charges investigated—Particulars to be attached to warrant.
Reg. v. Governor of Brixton Prison, *Ex parte* **Mourat Mehmet,**
Divl.Ct. [1962] 2 Q.B. 1; [1962] 2 W.L.R. 686.

Warrant of Home Secretary

Delay in issue

Decision by Home Secretary to return fugitive—Consideration by House of Commons—". . . a Secretary of State . . . may, if he thinks it just" by warrant order the fugitive's return—Whether "may" mandatory—Whether Home Secretary entitled to delegate responsibility under section 6—Whether delegated to Parliament—Fugitive Offenders Act, 1881, s. 6. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Enahoro,**
Divl.Ct. [1963] 2 Q.B. 455; [1963] 2 W.L.R. 1260.

GAMBIA

Constitution

Orders in Council

Powers of Her Majesty in Council. **Sabally and N'Jie v. Attorney-General,**
C.A. [1965] 1 Q.B. 273; [1964] 3 W.L.R. 732.

GAMING. (*See also* REVENUE (**Customs and excise**).)

Amusements with prizes

Gaming machines

Machine on premises in respect of which permit granted by local authority—Games playable by insertion of coin or token into machine—Machine operating at random but winning of jackpot enabling player to win further similar jackpots at odds favouring player on same machine for same stake—Whether "further opportunity to win money or money's worth"—"Opportunity"—Whether "benefit"—Betting, Gaming and Lotteries Act, 1963, s. 49 (3) (*d*)—Betting, Gaming and Lotteries Act, 1964, s. 2 (2) (3).
Cronin v. Grierson, Divl.Ct. [1967] 1 W.L.R. 1147.
H.L.(E.) [1968] A.C. 895; [1968] 2 W.L.R. 634.

Permit for premises—Conditions—Number of machines and prizes restricted—Whether power to impose conditions—Betting and Gaming Act, 1960, s. 24.
Hewison v. Skegness Urban District Council, Divl.Ct. [1963] 1 Q.B. 584; [1963] 2 W.L.R. 141.

————Discretion of local authority refusing application for permit—Appeal to quarter sessions—Whether merits of application at large on appeal—Whether discretion of quarter sessions absolute—Betting, Gaming and Lotteries Act, 1963, s. 49 (1), Sch. 6, paras. 2, 6. **Godfrey v. Bournemouth Corpn.,** D.C. [1969] 1 W.L.R. 47.

————Permit limited to two machines—Four machines on premises—Whether breach of statutory conditions—Whether machine capable of being gaming machine and amusement with prizes—Betting, Gaming and Lotteries Act, 1963, ss. 33, 49—Betting, Gaming and Lotteries Act, 1964, s. 2.
Shine v. Nicholson, D.C. (1969) 67 L.G.R. 209.

Permit for the provision of amusement with prizes in public-house—Fruit machine operated by discs—Winnings in form of discs exchanged for goods on sale—Percentage of discs retained by machine—Whether within "amusements with prizes"—Betting, Gaming and Lotteries Act, 1963, s. 49.
Capper v. Baldwin, Divl.Ct. [1965] 2 Q.B. 53; [1965] 2 W.L.R. 610.

GAMING—*continued.*

Amusements with prizes—*continued.*

Gaming machines—continued.

Refusal of permit for licensed premises—Appeal to quarter sessions dismissed—Reasons of general policy—Whether proper exercise of discretion—Betting, Gaming and Lotteries Act, 1963, s. 49, Sch. 6—Betting, Gaming and Lotteries Act, 1964, s. 3 (1).
Wolverhampton and Dudley Breweries Ltd. v. Warley County Borough Council, D.C. [1970] 1 W.L.R. 463.

Permit for premises

Premises where gaming lawfully conducted—Additional gaming facilities after grant of permit—Whether grant of permit imposition of separate code—Whether rendering previous gaming facilities unlawful—"Amusements with prizes"—Betting, Gaming and Lotteries Act, 1963, s. 49, Sch. 6.
Fox v. Adamson, Divl.Ct. [1968] 1 Q.B. 765; [1968] 2 W.L.R. 42.
H.L.(E.) [1970] A.C. 552; [1968] 3 W.L.R. 416.

Refusal of permit—Proper considerations—Whether proper exercise of discretion—Betting, Gaming and Lotteries Act, 1964, s. 3 (1).
Meade v. Brighton Corpn., D.C. (1968) 67 L.G.R. 289.

Pin table machines

Whether player one or more chances to win—Whether chance to win more than one prize—Betting and Gaming Act, 1960, s. 24 (3) (*a*).
Drinnan v. Pastou, Divl.Ct. (1964) 62 L.G.R. 315.

Betting

Duty

Betting premises licence—Statutory method of payment—Alternative method accepted by Minister—Whether mandamus to issue to enforce compliance with statute—Finance Act, 1969, s. 2, Sch. 8.
Reg. v. Comrs. of Customs and Excise, *Ex parte* **Cook,** D.C. [1970] 1 W.L.R. 450.

Fraud

Winning money by fraud in wagering—Money never obtained—Whether offence committed—"Obtaining"—Gaming Act, 1845, s. 17.
Reg. v. Harris, C.C.A. [1963] 2 Q.B. 442; [1963] 2 W.L.R. 851.

Licence

Application for betting office licence—Advertisement giving notice of application published in "The Sporting Life"—1,800 copies of "The Sporting Life" circulating on weekdays in area—Whether a "newspaper circulating in the authority's area"—Whether sufficient advertisement of application—Betting and Gaming Act, 1960, Sch. 1, para. 6.
Reg. v. Westminster Betting Licensing Committee, *Ex parte* **Peabody Donation Fund,** Divl.Ct. [1963] 2 Q.B. 750; [1963] 2 W.L.R. 1402.

———Consideration of—Conclusion that number of offices sufficient to cope with demand—Whether justices bound to refuse application—Whether a discretion—Whether special position of Tote Offices Ltd. relevant—Whether report of Royal Commission relevant—Betting, Gaming and Lotteries Act, 1963, Sch. 1, paras. 19 (*b*) (ii), 20.
Tote Offices Ltd. v. Ron Nagle (Turf Accountants) Ltd., D.C. (1969) 67 L.G.R. 196.

———Five out of eight licensed betting offices in locality owned by applicant—Application made in belief that additional facilities required—Whether application evidence of "demand" for betting office facilities in locality—Betting, Gaming and Lotteries Act, 1963, Sch. 1, para. 19 (*b*) (ii).
Reg. v. Essex Quarter Sessions, *Ex parte* **Thomas,** Divl.Ct. [1966] 1 W.L.R. 359.

Refusal of application for licence—Appeal from refusal of—Notice of appeal not specifying grounds of appeal—Jurisdiction of quarter sessions to entertain appeal—Betting, Gaming and Lotteries Act, 1963, Sch. 1, para. 21.
Reg. v. Middlesex Justices, *Ex parte* **Schock,** Divl.Ct. [1965] 2 Q.B. 336; [1965] 2 W.L.R. 1293.

Licensed betting office

Advertisement—Direct access from street by door—Notice painted on inside of window—Notice visible only from street—Whether exhibited on "premises giving access to a licensed betting office"—Betting and Gaming Act, 1960, s. 5 (5), Schs. 2, 3 (*c*)—Betting (Licensed Offices) Regulations, 1960, reg. 2 (*a*) (i).
Charles v. Smith, Divl.Ct. (1963) 61 L.G.R. 212.

———Notices fixed on the inside of windows—Notices visible only from street—Whether exhibited inside licensed premises—"Exhibit"—Betting, Gaming and Lotteries Act, 1963, s. 10 (1), Sch. 4, para. 3—Betting (Licensed Offices) Regulations, 1960, reg. 3 (2). **Dunsford v. Pearson,** D.C. [1970] 1 W.L.R. 222.

———Shop with door giving access from street—Facia sign above shop window and doorway entrance—Sign naming licensee with wording stating licensed betting office and hours of daily opening—Whether "advertisement . . . indicating . . . premises area licensed betting office"—Whether outside wall "premises giving access" to office—Whether "licensed premises"—Whether synonymous with "licensed betting office"—Betting, Gaming and Lotteries Act, 1963, s. 10 (5)—Betting (Licensed Offices) Regulations 1960, reg. 2 (*a*) (i) (ii) (*b*).
Roy William Robinson Ltd. v. Cox, D.C. (1969) 67 L.G.R. 188.

GAMING—*continued.*

Betting—*continued.*

Licensed betting office—continued.

Exhibition of written matter—Documents on counter in betting office—Written matter describing prizes and containing coupon—Whether within range of written matter permitted to be exhibited—Whether "exhibiting"—Whether encouragement to bet—Whether encouragement must come to attention of other person—"Encourage . . . to bet"—Betting, Gaming and Lotteries Act, 1963, s. 4 (3) (*c*) (4)—Betting (Licensed Offices) Regulations, 1960, reg. 3 (2).
Wilson v. Danny Quastel (Rotherhithe) Ltd., Divl.Ct. [1966] 1 Q.B. 125; [1965] 3 W.L.R. 774.

——————Fixed odds coupon—Whether within the range of written matter permitted to be exhibited—Betting, Gaming and Lotteries Act, 1963, Sch. 4, para. 3 (*c*)—Betting (Licensed Offices) Regulations, 1960, reg. 3 (2).
Heaney v. Smith, Divl.Ct. [1964] 1 W.L.R. 789.

Licence granted in respect of one room—Use of adjoining room in next house for writing out betting slips—Whether adjoining room used for purpose of "effecting . . . betting transactions"—Betting and Gaming Act, 1960, s. 1 (2).
Phillips v. Cairns, Divl.Ct. (1962) 60 L.G.R. 539.

Partnership—Bookmaker's permit held by one partner—Acceptance of credit bets placed by telephone by partner not having bookmaker's licence—Whether partnership void for illegality—Betting and Gaming Act, 1960, ss. 2, 3, 28, Sch. 1, para. 17.
Dungate v. Lee, Buckley J. [1969] 1 Ch. 545; [1967] 2 W.L.R. 670.

Use of premises—Private meeting held after closing hours—Whether premises "used for any purpose other than . . . betting transactions"—Whether an offence—Betting, Gaming and Lotteries Act, 1963, s. 10 (1), Sch. 4, para. 1.
Anderson v. Gradidge, D.C. [1969] 1 W.L.R. 581.

Youth apparently under 18 on premises—No knowledge of presence proved—Whether offence committed by manager or director—Betting and Gaming Act, 1960, s. 5, Sch. 2, para. 2. **Mallon v. Allon**, Divl.Ct. [1964] 1 Q.B. 385; [1963] 3 W.L.R. 1053.

Promise to pay

Sale of chips—Chips sold on credit to club members—Member's account debited with value of chips—Losses paid by club—Whether payments in respect of gaming losses—Whether recoverable—Poker—Gaming Act, 1845, s. 18—Gaming Act, 1892, s. 1.
C.H.T. Ltd. v. Ward, Lawton J. [1963] 1 W.L.R. 922.
C.A. [1965] 2 Q.B. 63; [1963] 3 W.L.R. 1071.

Street betting

"Receiving bets"—Betting slips thrown over factory gates by agent to bookmakers' manager waiting in street—Whether manager "receiving bets"—Betting and Gaming Act, 1960, s. 6 (1)—Street Betting Act, 1906, s. 1 (1).
Bland v. Cowan, Divl.Ct. [1963] 2 Q.B. 735; [1963] 2 W.L.R. 1049.

Totalisator

Credit betting transactions—Backer placing bets with totalisator through intermediaries—Whether "contract of gaming or wagering"—Gaming Act, 1845, s. 18.
Tote Investors Ltd. v. Smoker, C.A. [1968] 1 Q.B. 509; [1967] 3 W.L.R. 1239.

Competition

Meaning

Scheme by owners of licensed premises—Coupons and envelopes containing leaflet and letters handed to persons visiting premises—Unconditional on purchase of drinks—Prizes won by filling in blank spaces to complete one word or by receipt of instant winner coupon—No exercise of skill required—Whether a "competition success in which does not depend to a substantial degree upon the exercise of skill"—Betting, Gaming and Lotteries Act, 1963, s. 47 (1) (*b*).
Whitbread & Co. Ltd. v. Bell, D.C. [1970] 2 Q.B. 547; [1970] 2 W.L.R. 1025.

Game of chance

Bingo

Application for licence—Newspaper with advertisement of application not sent to clerk of licensing authority within seven days—Whether time limit mandatory—Whether application valid—Gaming Act, 1968, Sch. 2, para. 11 (1).
Reg. v. Pontypool Gaming Licensing Committee, *Ex parte* **Risca Cinemas Ltd.**, D.C. [1970] 1 W.L.R. 1299.

Licensed premises—Free bingo—No stake hazarded and free prizes—Whether "gaming" taking place on premises—Whether members of public playing for "winnings" in money or money's worth—Betting, Gaming and Lotteries Act, 1963, ss. 34 (1), 55—Licensing Act, 1964, s. 177 (1).
McCollom v. Wrightson, Divl.Ct. [1968] 1 Q.B. 412; [1967] 3 W.L.R. 1253.
H.L.(E.) [1968] A.C. 522; [1968] 2 W.L.R. 578.

GAMING—*continued.*

Game of chance—*continued.*

Bingo—continued.

Lottery conducted by club—Postal bingo—Possibility of members choosing numbers on joining club—Choice of numbers confined after joining—Draw taking place in private room on club premises — Supervision of draw by chartered accountants — Subsequent broadcast as though draw taking place—Whether "gaming"—Whether "playing a game of chance"—Betting and Lotteries Act, 1934, ss. 21, 22—Betting and Gaming Act, 1960, ss. 21, 28. **Director of Public Prosecutions v. Armstrong,** Divl.Ct. [1965] A.C. 1262; [1965] 2 W.L.R. 765. H.L.(E.) [1965] A.C. 1262; [1965] 3 W.L.R. 344.

"National Golden Scoop Game"—Plurality of bingo games in individual clubs—Part of stake money used for prizes for national game—No communication between clubs—Individual club results communicated to central office—Prizes awarded on national scale—Whether players in individual clubs playing national game with each other—Whether unlawful gaming—Betting, Gaming and Lotteries Act, 1963, ss. 32 (1), 55 (1). **Adcock v. Wilson,** Divl.Ct. [1967] 2 Q.B. 683; [1967] 2 W.L.R. 1189. H.L.(E.) [1969] 2 A.C. 326; [1968] 2 W.L.R. 914.

Payment required for participation in each game—Non-members participating in games—Some players with more than one card—Stake money accumulated over a period of time—Whether unlawful game—Betting and Gaming Act, 1960, s. 16. **Rogers v. Cowley,** Divl.Ct. [1962] 1 W.L.R. 770.

Payment required for persons to enter club—Winnings payable only on production of membership card—Persons not members or bona fide guests of members participating in games with intention of claiming winnings—Not provided with membership cards—Whether taking part in gaming—Whether gaming unlawful—Betting, Gaming and Lotteries Act, 1963, ss. 32 (1) (*c*) (2) (*b*), 36 (*c*). **Wheeler v. Gibbins,** D.C. [1970] 1 W.L.R. 268.

Some players holding more than one card—Snowball prize often not won in one evening—Money constituting snowball and cards provided by management—Whether chances equally favourable to all players—Whether playing for snowball gaming—Betting and Gaming Act, 1960, s. 16 (1) (*g*). **Waring v. Wildgoose,** Divl.Ct. (1963) 61 L.G.R. 216.

Definition

"Playing"—Lotteries conducted by club—Members not required to do anything but pay subscription—Winners calculated from numbers on membership cards—Results published in club bulletin—Whether "gaming"—Whether "playing a game of chance"—Betting and Lotteries Act, 1934, ss. 21, 22—Betting and Gaming Act, 1960, ss. 21, 28. **Director of Public Prosecutions v. Regional Pool Promotions Ltd.,** Divl.Ct. [1964] 2 Q.B. 244; [1964] 2 W.L.R. 209.

Odds favouring banker

Chances of becoming banker not equally favourable to all players—One player having chance of bank for only 40 minutes—Whether gaming unlawful—"Therein"—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (i) (ii). **Casino Club (Bolton) Ltd. v. Parr,** Divl.Ct. (1966) 64 L.G.R. 155.

Duty of police to prosecute. **Reg. v. Comr. of Police of the Metropolis,** *Ex parte* **Blackburn,** C.A. [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893.

Payment of fixed sum

Natural break in game—Chemin de fer—Payment before each shoe—End of shoe a natural and conventional break in game—Whether payment of a "fixed sum of money determined before the gaming began"—Whether unlawful gaming—Betting and Gaming Act, 1960, s. 16 (7) (*b*). **Mills v. Mackinnon,** Divl.Ct. [1964] 2 Q.B. 96; [1964] 2 W.L.R. 363.

No natural break in game—Roulette—Payment to play for 20 minutes—Facilities for playing continuing—Whether payment of a "fixed sum of money determined before the gaming began"—Whether unlawful gaming—Betting and Gaming Act, 1960, s. 16 (7) (*b*)—Betting, Gaming and Lotteries Act, 1963, s. 36 (*b*). **Kelland v. Raymond,** Divl.Ct. [1964] 2 Q.B. 108; [1964] 2 W.L.R. 662.

Payment before each spin of roulette wheel—Roulette Royale—Whether "fixed sum of money determined before the gaming began"—"Before the gaming began"—Whether unlawful game—Betting and Gaming Act, 1960, s. 16 (7) (*b*). **J. M. Allan (Merchandising) Ltd. v. Cloke,** C.A. [1963] 2 Q.B. 340; [1963] 2 W.L.R. 899.

GAMING—*continued.*

Game of chance—*continued.*

Payment of fixed sum—continued.

Payment for each stake—Legalite—Game dependent upon spin of wheel—Payment required for participation in each game—Stakes varying in amount—Payment required of sixpence per stake—Varying number of stakes—Whether unlawful game—" Fixed sum of money determined before the gaming began " — " Fixed sum " — Meaning — Betting and Gaming Act, 1960, s. 16 (7) (*b*).
Quinn v. Mackinnon, Divl.Ct. [1963] 1 Q.B. 874; [1963] 2 W.L.R. 391.

" *Player* "

Super legalite—Players' pool—Float advanced by gaming organisers for the benefit of players' pool—Odds tilted in favour of the pool—Winning bets paid out of pool, losing bets paid into it—Whether players' pool a " player "—Whether organisers interested participants in the game—Whether lawful gaming even if played in accordance with rules—Betting, Gaming and Lotteries Act, 1963, ss. 32 (1) (*a*), 55 (1).
Director of Public Prosecutions v. Essoldo Circuit (Control) Ltd., Divl.Ct. [1966] 1 Q.B. 799; [1965] 3 W.L.R. 837.

Roulette

" Kittyscoop "—Odds in favour of certain numbers—Players obtaining numbered tickets to take part in gaming—Not all persons obtaining tickets staking—Moneys in pool divided among players after payment to club of session charge and repayment of loan—" Player "—Whether chances " equally favourable to all players "—Whether " money . . . disposed of otherwise than by payment to a player as winnings "—Whether unlawful gaming—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (ii) (*b*).
Metropolitan Police Comr. v. I. & N. Weston Ltd., D.C. [1969] 1 W.L.R. 847.

Odds in favour of bank—Offer of bank to any player financially capable of meeting obligations should bank lose—Whether unlawful gaming—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (ii). **Kursaal Casino Ltd. v. Crickitt,** Divl.Ct. [1966] 1 W.L.R. 960.

Played with zero—Odds in favour of bank—Bank offered to any player—Player becoming banker entitled to limit his liability—Whether unlawful gaming—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (ii).
Kursaal Casino Ltd. v. Crickitt (No. 2), Divl.Ct. [1967] 1 W.L.R. 1227.
H.L.(E.) [1968] 1 W.L.R. 53.

Played with zero but with chances prima facie " equally favourable to all players "—Odds at 36 to 1—Payment at 35 to 1 with differential in marker chips—All winning chips exchangeable for cash—Invitation to winners to return voluntarily marker chips to club—Invitation accepted by majority of winners—Whether resulting in " chances . . . not equally favourable to all players "—Whether " money . . . disposed of otherwise than by payment to a player as winnings "—Whether unlawful gaming—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (ii) (*b*) (2) (*a*).
Victoria Sporting Club Ltd. v. Hannam, D.C. [1970] A.C. 55; [1969] 2 W.L.R. 13.
H.L.(E.) [1970] A.C. 55; [1969] 2 W.L.R. 454.

Gaming Board

Duty to be fair

Applicability of rules of natural justice—Suitability of applicants for gaming licences—Whether board bound to disclose sources of information or give reasons for refusal of certificate of consent—Gaming Act, 1968, Sch. 2, para. 4 (5) (6).
Reg. v. Gaming Board for Great Britain, *Ex parte* **Benaim and Khaida,** C.A. [1970] 2 W.L.R. 1009.

Gaming machine

Forfeiture

Gaming offence in relation to machine—Machines in precincts of court-house—Not produced in court—Counsel's submission against forfeiture rejected—Justices' jurisdiction to order forfeiture—Betting, Gaming and Lotteries Act, 1963, s. 52 (4).
Reg. v. Edmonton Justices, *Ex parte* **Stannite Automatics Ltd.,** Divl.Ct. [1965] 1 W.L.R. 984.

" *Private gain.*" (*See also* **Lottery**.)

Workingmen's club—Fruit machines—Contract to hire for fixed period at weekly rent—Guarantee by hirer to make up annual earnings of machine to £*x*—Whether " stakes hazarded . . . for purposes other than private gain "—Whether stakes going to reduction of contingent liability of hirer " private gain "—Legality of contract—Betting, Gaming and Lotteries Act, 1963, ss. 33 (1) (2) (*c*), 54.
Avais v. Hartford Shankhouse & District Workingmen's Social Club & Institute Ltd., C.A. [1968] 1 W.L.R. 10.
H.L.(E.) [1969] 2 A.C. 1; [1969] 2 W.L.R. 108.

Stake " required "

Fruit machine capable of being operated under alternative sets of rules—One player able to insert one sixpence or up to five sixpences—Varying awards according to sum inserted—Installed in club premises—Whether illegal gaming—Betting and Gaming Act, 1960, s. 17 (2) (*b*). **Rosenbaum v. Burgoyne,** Divl.Ct. and H.L.(E.) [1965] A.C. 430; [1964] 3 W.L.R. 277.

GAMING—*continued.*

Lottery

Bingo game contained on labels

Solution of puzzle required to win prize—Whether label advertisement of a lottery—Whether scheme entire or severable—Whether winning label a "prize"—Betting, Gaming and Lotteries Act, 1963, ss. 41, 42 (1) (*c*) (i).
Director of Public Prosecutions v. Bradfute & Associates Ltd., Divl.Ct. [1967] 2 Q.B. 291; [1967] 2 W.L.R. 459.

Football pool

Club—Majority of members not exercising skill in forecasting sporting events—Football pool in all other respects complying with legal pool betting—Whether lottery legal—Betting, Gaming and Lotteries Act, 1963, ss. 4 (3), 38 (2), 42, Sch. 2.
Singette Ltd. v. Martin, D.C. [1970] 2 Q.B. 565; [1970] 2 W.L.R. 1290.

"Private gain"

Gaming machines—Machines hired to social clubs—80 per cent. of stakes paid out in winnings—Machines geared to retain 20 per cent.—Owner present when machines opened—Hiring charges paid to owner out of retained 20 per cent.—Balance paid into general funds of club—Whether part of stakes hazarded applied for "private gain"—Betting and Gaming Act, 1960, s. 17 (2) (*c*).
Cookson v. Bowles, Divl.Ct. [1962] 1 W.L.R. 754.

Working-men's club—Tombola sessions—Proceeds paid into general funds of club—Surplus of general funds not distributable among individual members—Whether proceeds applied for "purposes other than purposes of private gain"—Betting and Lotteries Act, 1934, ss. 23, 24—Small Lotteries and Gaming Act, 1956, ss. 1, 4.
Payne v. Bradley, Divl.Ct. [1961] 2 Q.B. 44; [1961] 2 W.L.R. 361.
H.L.(E.) [1962] A.C. 343; [1961] 3 W.L.R. 281.

Scheme by owners of licensed premises

Coupons and envelopes containing leaflet and letters handed to customers—Unconditional on purchase of drinks—Prizes won by filling in blank spaces to complete one word or by receipt of instant winner coupon—Whether scheme a lottery—Betting, Gaming and Lotteries Act, 1963, s. 42 (1) (*f*).
Whitbread & Co. Ltd. v. Bell, D.C. [1970] 2 Q.B. 547; [1970] 2 W.L.R. 1025.

Pool betting

Football pool

Club—Prizes to members holding numbers representing most successful football teams—Opportunity for members to select numbers—Majority of members accepting numbers tendered to them by club—Whether members "making forecasts as to sporting . . . events"—Whether skill involved or pure chance—Legality—Betting, Gaming and Lotteries Act, 1963, s. 4 (3), Sch. 2, para. 13 (*a*).
Singette Ltd. v. Martin, D.C. [1970] 2 Q.B. 565; [1970] 2 W.L.R. 1290.

Premises used for gaming

No gaming licence

Offence by company—Attributable to neglect—Obtaining of licence left to co-director—Liability of directors—Customs and Excise Act, 1952, s. 305 (3)—Finance Act, 1966, s. 13 (1).
Huckerby v. Elliott, D.C. [1970] 1 All E.R. 189.

GARNISHEE. *See* PRACTICE.

GAS

Meter registering supply. *See* WATER.

GHANA. (*See also* WEST AFRICA.)

Administration

Grant of representation

Issue of Marriage Ordinance marriage—Widow of marriage by native customary law—Joint grant—Statutory application of English legislation—"Wife"—"Widow"—Meaning—Marriage Ordinance, 1951 (Gold Coast, c. 127), s. 48—Courts Ordinance, 1951 (Gold Coast, c. 4), s. 83—Interpretation Ordinance, 1951 (Gold Coast, c. 1), s. 3 (31) (45)—Statute of 21 Hen. 8, c. 5, s. 2—Statute of Distribution, 1670, s. 3.
Coleman v. Shang, P.C. [1961] A.C. 481; [1961] 2 W.L.R. 562.

Status

Constitution of 1960

Suspension in 1966—Whether "part of Her Majesty's dominions" for purposes of Fugitive Offenders Act, 1881—Whether Act applies to Constitution of 1966—Fugitive Offenders Act, 1881, s. 2—Ghana (Consequential Provision) Act, 1960, s. 1 (1).
Reg. v. Governor of Brixton Prison, *Ex parte* **Armah,** Divl.Ct. [1968] A.C. 192; [1966] 3 W.L.R. 23.

Whether "British dominion"

Service of writ out of jurisdiction on Ghanaian company—Ghana having become a republic—R.S.C., Ord. 11, r. 6—Ghana (Consequential Provision) Act, 1960, s. 1 (1).
Gohoho v. Guinea Press Ltd., C.A. [1963] 1 Q.B. 948; [1962] 3 W.L.R. 1471.

GIFT. (*See also* UNDUE INFLUENCE; WILL.)

Disclaimer

Validity

Whether necessary for donee to possess full information as to nature of gift—Inter vivos gift—Disclaimer communicated to donor—Not acted upon by donor to disadvantage—Whether can be withdrawn—Gift of shares—Disclaimer—Whether disposition of equitable interest in property needing to be in writing signed by donee—Whether disclaimer operates by way of avoidance or disposition—Share register not altered—Whether disclaimer ineffective—Whether register rectifiable as of right—Law of Property Act, 1925, s. 53 (2). *In re* **Paradise Motor Co. Ltd.,** C.A. [1968] 1 W.L.R. 1125.

Incomplete gift

Delivery

Contents of new matrimonial home—Words of gift spoken by husband to wife in presence of chattels—Whether sufficient delivery—Whether gift perfected—Unequivocal act of delivery and change of possession essential to perfect gift of chattels.
In re **Cole, A Bankrupt,** C.A. [1964] Ch. 175; [1963] 3 W.L.R. 621.

House—Donor and donee continuing to reside there—Whether gift effective—Mohammedan law. **Gulab v. Khaleq,** P.C. [1964] 1 W.L.R. 47.

Missing article—Words of gift—" If you find it, you can keep it " with suggestions where to look—Article found in one of the places suggested—Whether gift perfected by subsequent possession of donee—Death of donor before action—Burden of proof.
Thomas v. Times Book Co. Ltd., Plowman J. [1966] 1 W.L.R. 911.

Settlement

Covenant to pay proceeds of settlor's pictures, if sold, to trustees of settlement—Whether enforceable.
In re **Cook's Settlement Trusts,** Buckley J. [1965] Ch. 902; [1965] 2 W.L.R. 179.

GOLD CLAUSE

Limitation of liability

Conversion rate

Sterling equivalent to 1000 gold francs—Devaluation of sterling between collision and limitation order—Whether sterling equivalent at date of (i) collision, (ii) issue of writ or (iii) judgment, should apply—Merchant Shipping Act, 1894, s. 503 (as amended by Merchant Shipping (Liability of Shipowners and Others) Act, 1958)—Merchant Shipping (Limitation of Liability) (Sterling Equivalents) Order, 1967—Brussels Convention, 1957.
The Abadesa, Karminski J. [1968] 1 Lloyd's Rep. 493.

GOLD COAST. *See* WEST AFRICA.

GOODS VEHICLE. *See* ROAD TRAFFIC.

GOVERNMENT DEPARTMENT. *See* CROWN.

GUARANTEE

Banking account

Overdraft

Guarantee in consideration of bank " containing the existing account "—Due payment guaranteed of " all advances, overdrafts, liabilities, . . . whether made, incurred or discounted before or after the date hereof " to named person—Second account opened with same bank and operated without guarantor's knowledge—Substantial payments into second account—Manner of operation of accounts increasing burden on guarantee—Overdraft on original account remaining unreduced—Whether guarantee of an existing account—Whether opening of second account substantial variation of terms of guarantee—Whether guarantor discharged.
National Bank of Nigeria Ltd. v. Awolesi, P.C. [1964] 1 W.L.R. 1311.

Construction. *See* CONTRACT (**Construction**; *Guarantee*).

Hire-purchase agreement. *See* HIRE-PURCHASE.

Indemnity or guarantee

Hire-purchase agreement

Guarantee of hirers' performance of terms of agreement—Indemnity against loss—Hirer's exercise of option to determine—Hirer's performance of all obligations under agreement—Shortfall in finance company's anticipated profit—Whether surety liable to reimburse finance company.
Western Credit Ltd. v. Alberry, C.A. [1964] 1 W.L.R. 945.

Indemnity against loss—Infant's contract—Car—Default by infant—Adult's undertaking to reimburse finance company.
Yeoman Credit Ltd. v. Latter, C.A. [1961] 1 W.L.R. 828.

GUARANTEE—*continued.*

Indemnity or guarantee—*continued.*

Hire-purchase agreement—continued.

Recourse agreement—Motor dealer's agreement to indemnify finance company against loss caused by hirer's default—Whether an indemnity.
Goulston Discount Co. Ltd. v. Clark, C.A. [1967] 2 Q.B. 493; [1966] 3 W.L.R. 1280.

Quia timet action

Principal debtor and surety, by

Joint and several liability to bank—Surety liable as principal—Whether surety entitled to exoneration by principal debtor—Nature of relief.
Watt v. Mortlock, Wilberforce J. [1964] Ch. 84; [1963] 2 W.L.R. 626.

GUYANA

Crime

Evidence

Confession—Statement to friend—Accused put in friend's cell on police instructions—Whether confession inadmissible as statement to person in authority.
Deokinanan v. The Queen, P.C. [1969] 1 A.C. 20; [1968] 3 W.L.R. 83.

Crown servant

Contract of service

Termination or variation of contract—School teacher's appointment rescinded but teacher re-employed at reduced salary.
Attorney-General for Guyana v. Nobrega, P.C. [1969] 3 All E.R. 1604.

Hire-purchase agreement

Rice mill in state of disrepair

Promise by owner to repair—Breach of warranty—Measure of damages.
Doobay v. Mohabeer, P.C. [1967] 2 A.C. 278; [1967] 2 W.L.R. 1395.

Land

Prescription

Land lying between lands of legal owner and claimant—Acts of cultivation—Whether sufficient to prove sole possession—Whether consistent with enjoyment by true owner—"Sole and undisturbed possession, user or enjoyment"—Whether related to physical characteristics of land—Presence of dam—Whether evidence of boundary—Laws of British Guiana, 1953 Rev., vol. IV, c. 184, s. 3.
West Bank Estates Ltd. v. Arthur, P.C. [1967] 1 A.C. 665; [1966] 3 W.L.R. 750.

Workmen's compensation

Entitlement to

Pre-existing diseased condition—Workman suffering from injury to back—Further injury caused when slipping and falling in course of employment—Aggravation to pre-existing condition not material—Whether workman entitled to compensation—Accident within extended meaning—Burden of proof—Workmen's Compensation Ordinance (No. 63 of 1952) (Laws of British Guiana, 1953 Rev., c. 111), s. 3 (1) (*c*).
Enmore Estates Ltd. v. Darsan, P.C. [1970] A.C. 497; [1970] 2 W.L.R. 613.

HABEAS CORPUS. (*See also* EXTRADITION; FUGITIVE OFFENDER.)

Alien

Jurisdiction

Alien refused leave to land—Physical presence within realm—Entry gained by subterfuge—Whether entitled to apply for writ—Whether Crown can rely on "Act of State."
Reg. v. Governor of Brixton Prison, *Ex parte* **Soblen,**
John Stephenson J. and C.A. [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154.

Criminal cause or matter

Bail

Application to Lord Chancellor—Whether jurisdiction to entertain application—Administration of Justice Act, 1960, s. 14 (2).
In re **Kray,** Lord Gardiner L.C. [1965] Ch. 736; [1965] 2 W.L.R. 626.

Committed to Central Criminal Court—Practice.
Practice Direction (Applications for Bail: Central Criminal Court),
Lord Parker C.J. [1965] 1 W.L.R. 710.

Prisoner serving sentence

Application for leave to appeal against conviction dismissed by Court of Criminal Appeal—Allegation that right of appeal on point of law—Whether a ground for habeas corpus—Criminal Appeal Act, 1907, s. 3. *Ex parte* **Hinds,** D.C. [1961] 1 W.L.R. 325.

Computation of length of sentence—Escape from prison—Apprehension abroad—Jurisdiction of court. **Reg. v. Governor of Leeds Prison,** *Ex parte* **Stafford,**
Divl.Ct. [1964] 2 Q.B. 625; [1964] 2 W.L.R. 731.

HABEAS CORPUS—*continued.*

Onus of proof

Challenge to validity of return

Alleged non-performance of condition precedent to validity of document on which jurisdiction to detain depends—Detention by executive—Whether for executive to negative challenge and prove performance of condition precedent—Standard of proof—Habeas Corpus Act, 1816, ss. 3, 4—Commonwealth Immigrants Act, 1962, Sch. 1, Pt. 1, paras. 1 (1) (2), 2 (1) (3). **Reg. v. Governor of Brixton Prison,** *Ex parte* **Ahsan,** D.C. [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618.

Successive applications

Fresh evidence

Extradition—Fresh evidence to discredit evidence relied on and as to political character of offence—Administration of Justice Act, 1960, s. 14 (2).
Ex parte **Schtraks,** Divl.Ct. [1964] 1 Q.B. 191; [1962] 3 W.L.R. 1435.

HACKNEY CARRIAGE. (*See also* METROPOLIS.)

Licence

Plying for hire

Car with sign "Barry's Taxis" parked outside house—Sign on corner of house reading "Taxi"—Defendant in house in charge of car—Whether "person found plying for hire"—Vehicle not covered by insurance "for use for hire or reward other than private hire"—Whether covered by policy of insurance—Town Police Clauses Act, 1847, s. 45—Road Traffic Act, 1960, s. 201. **Vant v. Cripps,** Divl.Ct. (1963) 62 L.G.R. 88.

Power of revocation

Convictions for different offences—Whether conviction for "second time . . . for any offence"—"Any offence"—Town Police Clauses Act, 1847, s. 50.
Bowers v. Gloucester Corpn., Divl.Ct. [1963] 1 Q.B. 881; [1963] 2 W.L.R. 386.

Whether required

Vehicle not plying for hire—Whether licence required by driver—Town Police Clauses Act, 1847, s. 46. **Yates v. Gates,** D.C. [1970] 2 Q.B. 27; [1970] 2 W.L.R. 593.

Other persons being carried

"*Express consent*"

Whether an action can amount to express consent—Town Police Clauses Act, 1847, s. 59.
Yates v. Gates, D.C. [1970] 2 Q.B. 27; [1970] 2 W.L.R. 593.

HARBOUR. *See* DOCK.

HAWKERS AND PEDLARS

Hawker

Meaning

Licensed hawker selling ice cream from stationary motor van—Whether street trading—Whether hawking—"Hawker"—Hawkers Act, 1888, s. 2.
Sidonio v. Turk, Divl.Ct. (1964) 62 L.G.R. 467.

HIGH COURT

Chancery Division

Jurisdiction

Annual parochial church meeting—Statutory right of appeal to bishop—Representation of the Laity Measure, 1956, Sch., r. 31.
Mulholland v. St. Peter, Roydon, Parochial Church Council, Pennycuick J. [1969] 1 W.L.R. 1842.

HIGHWAY. (*See also* NUISANCE; ROAD TRAFFIC.)

Access

Adjoining owner

Proposal by highway authority to erect "refuge" at point where means of access emerged on to highway.
Ching Garage Ltd. v. Chingford Corpn., H.L.(E.) [1961] 1 W.L.R. 470.

Bridge over

Licence to construct

Meaning of "bridge"—Building on each side of highway and extending over it—Corridors making possible crossing of highway through building—Space below part of building crossing highway left empty for traffic—Whether building a "bridge"—Highways Act, 1959, ss. 151, 152.
Hemel Hempstead Development Corpn. v. Hemel Hempstead Borough Council, Cross J. [1962] 1 W.L.R. 1158.

"Building in a street"

"*Structure*"

Factory building with forecourt adjoining street—Forecourt used as parking place for trailers delivering supplies—Continuously occupied—Whether trailer "a structure"—Whether owners "bringing forward a building in a street"—Highways Act, 1959, s. 75 (1)—Surrey County Council Act, 1931, s. 91 (1).
Kingston Plastics Ltd. v. Esher Urban District Council, D.C. (1969) 68 L.G.R. 401.

HIGHWAY—*continued.*

Cellar under street

Opening into surface

Duty to maintain—Whether absolute—Cellar cover—Flagstone over cellar damaged by third party without knowledge of occupier—No negligence by occupier—No nuisance established—Injury to pedestrian by collapse of damaged flagstone—Liability of occupier limited—Highways Act, 1959, s. 154 (5).
Scott v. Green & Sons (A Firm), C.A. [1969] 1 W.L.R. 301.

Danger or annoyance to user

Deposit of hopper

Hopper deposited on highway without lawful authority or excuse—Lorry colliding with hopper—Whether a user of highway endangered by hopper—Highways Act, 1959, s. 140 (1). **Gatland v. Metropolitan Police Comr.,** Divl.Ct. [1968] 2 Q.B. 279; [1968] 2 W.L.R. 1263.

Dangerous land adjoining

Duty to fence

Highway at higher level than land—Danger to persons stepping off highway—Whether source of danger " in or on land "—Highways Act, 1959, s. 144.
Myers v. Harrow Corpn., Divl.Ct. [1962] 2 Q.B. 442; [1962] 2 W.L.R. 1210.

Dedication

Prescription

User of public to access way in market for over 20 years—Highways Act, 1959, s. 34 (1).
Brandon v. Barnes, Divl.Ct. [1966] 1 W.L.R. 1505.

Easement. *See* EASEMENT.

Encamping on

" *Gipsy* "

Meaning—Whether unalterable status—Whether doctrine of issue estoppel applicable—Highways Act, 1959, s. 127.
Mills v. Cooper, Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

Extent

Presumption

Roadside waste—Fence to fence presumption—When arising—Whether fences taken to have been put up by reference to highway—No indications to contrary—Acts of ownership—Parking of vehicles on verge—Whether sufficient to rebut presumption—Whether obstruction. **Attorney-General v. Beynon,** Goff J. [1970] Ch. 1; [1969] 2 W.L.R. 1447.

Footpath

Duty to maintain

Footpath owned by company—Maintained by local authority—Tree stump protruding from verge—Hidden by foliage—Injury to user of footpath—Inspection and repairs carried out two months prior to accident—Whether local authority " occupier "—Whether in breach of duty to maintain footpath—Occupiers' Liability Act, 1957, s. 2 (1)—Highways Act, 1959, s. 44 (1)—Highways (Miscellaneous Provisions) Act, 1961, s. 1 (2).
Whiting v. Hillingdon London Borough Council, James J. (1970) 68 L.G.R. 437.

Footway or verge

Carriage crossing over

Habitual driving of vehicle over footway by house owner—No damage to kerb or macadam of footway—Small area of worn grass—Letter from local authority stating that offence to drive across footway—Owner required to pay expense of constructing vehicle crossing—Subsequent notice of authority's proposal to construct crossing and specification of works—Whether habitual user sufficient to justify service of notice—Whether proper exercise of discretion by authority—No evidence of likelihood of further damage—Whether justices entitled to uphold notice—Highways Act, 1959, s. 155 (1).
Jones v. Sutton London Borough Council, D.C. (1968) 66 L.G.R. 667.

Misfeasance by local authority

Repair

Subsidence in road repaired by authority—Collapse of surface four days later—Evidence that damage caused by rats—No special filling used to prevent return of rats—Subsequent collapse due to return—Whether repair properly carried out—Whether misfeasance.
Birmingham v. East Ham Corpn., C.A. (1962) 60 L.G.R. 111.

Misfeasance or non-feasance

Repair

Unprotected hole—Gulley taking off surplus water—Broken grating cover causing a hole—Proper precautions not taken to prevent site becoming a danger—Liability of highway authority to injured plaintiff.
Connolly v. Ministry of Transport, C.A. (1965) 63 L.G.R. 372.

Negligence

Contractor's negligent felling of tree

Tree in occupier's front garden adjoining highway—Obstruction on highway caused thereby—Accident to by-stander—Whether occupier liable for contractor's negligence.
Salsbury v. Woodland, C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

HIGHWAY—*continued.*

Negligence—*continued.*

Road repairs

Foreseeability of risk—Excavation in roadway—Vandals at night removing warning sign, barrier and lit lamps—No previous incidents of vandalism—No system of inspection during hours of darkness—Whether precautions reasonable—Whether negligence.
Lilley v. British Insulated Callender's Construction Co. Ltd., C.A. (1968) 67 L.G.R. 224.

One night watchman employed by highway authority for three sites—Hooliganism in area—Warning lights and trestles removed—Possibility that not removed or replaced if second night watchman employed—No indication to traffic of lane to be selected—Car driven into trench—Liability of authority.
Murray v. Southwark London Borough Council, MacKenna J. (1966) 65 L.G.R. 145.

Signs in echelon warning traffic of approach to roadworks—Busy main road—Injury to worker spreading asphalt on carriageway by lorry driving too fast—Whether negligent system of work—No evidence of practice of erecting barriers—Necessity to balance risks to workers on road against inconvenience to traffic—Liability of employers.
Maher v. Hurst, C.A. (1969) 67 L.G.R. 367; 6 K.I.R. 95.

New street

Highway not a street before 1855

Buildings erected by 1930—Continuous line of buildings erected in 1951—Declaration in 1959 that "new street"—Cost of making up apportioned between frontagers—Whether a "new street"—Metropolis Management Act, 1855, ss. 98, 105—Metropolis Management Amendment Act, 1862, s. 112.
Astor v. Fulham Borough Council, Pennycuick J. (1963) 61 L.G.R. 281.

Non-feasance by highway authority

Duty to maintain highway

Hole in road—Plaintiff injured when stepping down from motor van—Evidence of danger to pedestrians crossing road—Whether local authority in breach of duty to maintain road—Whether also liable for second accident caused by weakness resulting from first injury—Highways Act, 1959, s. 44 (1).
Bird v. Tower Hamlets London Borough Council, Nield J. (1969) 67 L.G.R. 682.

Whether absolute—Projecting flagstone—Systematic inspections not carried out by the authority because of labour shortage—Whether "such care as in all the circumstances was required to secure" highway safe taken by authority—Burden of proof—"All the circumstances"—Whether negligence relevant—Highways (Miscellaneous Provisions) Act, 1961, s. 1 (1) (2) (3).
Griffiths v. Liverpool Corpn., C.A. [1967] 1 Q.B. 374; [1966] 3 W.L.R. 467.

Repair

Storm-water across highway—Danger to traffic resulting from failure to maintain adequate system of drainage—Collision between vehicles using highway—Highway authority failing to establish statutory defence—Liability of authority for damage caused to traffic—Onus on highway authority—Highways (Miscellaneous Provisions) Act, 1961, s. 1 (1) (2) (3) (*d*). **Burnside v. Emerson,** C.A. [1968] 1 W.L.R. 1490.

Non-repair

Duty to maintain highway

Asphalt footway to residential road—Defect trapping toecap and sole of woman's shoe—Whether dangerous—Statutory defence—Residential roads inspected quarterly—No evidence as to frequency of inspections desirable—Defect not necessarily discoverable if inspections more frequent—Whether defence established—Highways Act, 1959, s. 44 (1)—Highways (Miscellaneous Provisions) Act, 1961, s. 1 (2).
Pridham v. Hemel Hempstead Corpn., Mocatta J. (1969) 68 L.G.R. 113.

Uneven flagstones

Flagstone defective—Small triangular gap at corner, making a possible tripping point one half-inch in depth—Whether a reasonably foreseeable cause of danger in a pavement in public use—Unevenness in pavement insufficient to give rise to cause of action in negligence or for breach of statutory duty—Highways Act, 1959, s. 44 (1).
Littler v. Liverpool Corpn. (Note), Cumming-Bruce J. [1968] 2 All E.R. 343; 66 L.G.R. 660.

Pedestrian's fall—Evidence that number of people using pavement without reporting condition—Whether pavement dangerous—Whether authority in breach of duty—Highways (Miscellaneous Provisions) Act, 1961, s. 1.
Meggs v. London Corpn., C.A. [1968] 1 W.L.R. 689.

HIGHWAY—*continued.*

Obstruction. (*See also* CRIME (**Public nuisance**); NUISANCE.)

Authorisation

Roadworks—Written contract authorising carrying out of works—Provision that contractors should light all works—Large unlighted skip deposited on highway—Motorist injured at night—Prosecution for depositing skip on highway "without lawful authority"—Whether contract sufficient authority—Highways Act, 1959, ss. 140 (1), 146 (1) (3). **A. A. King (Contractors) Ltd. v. Page,** D.C. (1970) 68 L.G.R. 576; [1970] R.T.R. 345.

Bona fide claim of right

Whether justices' jurisdiction ousted—Highways Act, 1959, s. 269. **Reg. v. Ogden,** *Ex parte* **Long Ashton Rural District Council,** Divl.Ct. [1963] 1 W.L.R. 274.

Common

Junction with highway—Intersection blocked by highway authority—Consequent diversion of traffic—Regulating movement of traffic—Road safety—Highways Act, 1959, s. 65 (1) (*b*). **Hambledon Rural District Council v. Hinde,** D.C. (1968) 66 L.G.R. 495.

Deposit of hopper

Hopper hired by owner to defendant—Defendant without lawful authority or excuse to deposit hopper—Owner's driver depositing hopper on defendant's instructions—Defendant not present when hopper deposited—Whether deposit by defendant—Highways Act, 1959, ss. 127, 140 (1), 146 (1) (3). **Derrick v. Cornhill,** D.C. [1970] R.T.R. 341.

Dual carriageway

Central reservation—Junction with highway—Intersections blocked by highway authority—Consequent diversion of traffic—Whether justified to separate lines of traffic—Whether "regulating the movement of traffic"—Highways Act, 1959, s. 65 (1) (*a*) (*b*). **Birmingham and Midland Motor Omnibus Co. Ltd. v. Worcestershire County Council,** Stamp J. and C.A. [1967] 1 W.L.R. 409.

"*Excuse*"

Motor van selling hot dogs—Van parked near bus stop for five minutes—Whether unreasonable use of highway—Circumstances to be considered—"Wilfully obstructs"—Highways Act, 1959, s. 121 (1). **Nagy v. Weston,** Divl.Ct. [1965] 1 W.L.R. 280.

——————Van stationary in busy street—Whether unreasonable use of highway—Highways Act, 1959, s. 121. **Pitcher v. Lockett,** Divl.Ct. (1966) 64 L.G.R. 477.

Fallen tree

Tree removed by highway authority—Liability of landowner for cost incurred in removing tree—Reasonable steps taken by owner to secure tree did not fall—Whether owner under further duty to take reasonable steps to secure removal of fallen tree—"Reasonable care to secure that . . . thing . . . did not cause . . . obstruction"—Highways (Miscellaneous Provisions) Act, 1961, s. 9 (1) (*c*). **Williams v. Devon County Council,** Divl.Ct. (1966) 65 L.G.R. 119.

Market

Trader's barrow on access way between stalls—"Thoroughfare"—Metropolitan Police Act, 1839, s. 54 (6). **Brandon v. Barnes,** Divl.Ct. [1966] 1 W.L.R. 1505.

Mens rea

Public meeting—Crowd which would have dispersed but for speech—Intention of speaker that crowd should remain—Passage for vehicles cleared by police with speaker's help—Previous meetings held in same street—Whether speaker guilty of wilful obstruction—"Wilfully obstructs"—Whether intention to do wrongful act required—Highways Act, 1959, s. 121 (1). **Arrowsmith v. Jenkins,** Divl.Ct. [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856.

Precautions in doing work

Hopper container for builder's rubble—Whether "building materials, rubbish or other thing"—Requirement to light during hours of darkness—Whether provision of strict liability—Contractual arrangements between owner depositing hopper and person to whom hired—Whether depositor able to rid himself of obligation to light—Highways Act, 1959, s. 146 (3). **Hales Containers Ltd. v. Ealing London Borough Council,** D.C. [1970] R.T.R. 335.

Projecting fixture

Sunblind with side panels—Projecting over pavement—Bookshelves and goods for sale set out on pavement—Whether obstruction to free passage along highway—Highways Act, 1959, s. 121 (1). **Seekings v. Clarke,** Divl.Ct. (1961) 59 L.G.R. 268.

Trading from vehicle with stall

Weekly occurrence over several years—Local authority aware of facts—Whether valid licence to obstruct highway—Highways Act, 1959, s. 121 (1). **Redbridge London Borough Council v. Jaques,** D.C. [1970] 1 W.L.R. 1604.

HIGHWAY—*continued.*

Private street works

Cul-de-sac in rural area

No public money expended—Natural beauty spot at end—Existence as cul-de-sac since before 1835—Whether capable of being " highway maintainable at . . . public expense " —Highways Act, 1959, ss. 204 (1), 213 (1).
Roberts v. Webster, Divl.Ct. (1967) 66 L.G.R. 298.

Expenses

Apportionment—Code of 1892—Premises fronting the street—Upper maisonette—Lower maisonette with garden 25 feet deep—Owner of upper maisonette right of way across garden — Whether upper maisonette fronting or adjoining street — " Fronting " — " Frontage "—" Adjoining "—" Abutting "—Highways Act, 1959, ss. 176 (1), 213 (2), 295 (1). **Buckinghamshire County Council v. Trigg,** Divl.Ct. [1963] 1 W.L.R. 155.

Deposit, return of—Conveyance of frontage land—Undertaking by vendor to pay deposit required by highway authority if road made up prior to dedication as highway—Deposit paid by vendor—Part of land sold—No express mention in second conveyance of deposit paid—Road made up by highway authority—Cost of works less than deposit paid—Whether present owner entitled to retain surplus—Highways Act, 1959, s. 195.
Henshall v. Fogg, C.A. [1964] 1 W.L.R. 1127.

Footpath

Footpath widened by user—Justices' finding that ancient public footpath widened by user since 1835—Additional land not dedicated by deliberate act nor identifiable—Whether facts found by justices supported by evidence—Whether " private street "—Highways Act, 1959, ss. 189 (1) (2), 213 (1) proviso, 295.
Adams v. Rowley Regis Borough Council, Divl.Ct. (1962) 60 L.G.R. 518.

New street

Road widened and straightened—Some of constituent parts " streets "—Footpath repairable by inhabitants at large diverted to form part of road—Further land dedicated—Whether an existing street—Whether deposited plans evidence of extent—Public Health Act, 1875, s. 150.
Abel v. Orpington Urban District Council, Divl.Ct. (1963) 61 L.G.R. 546.

Objection to proposals

Jurisdiction of justices—Code of 1875—Frontagers required to execute street works—Condition of street due to use by local authority's vehicles—Appeal to justices—Justices' opinion that not just or equitable to require frontagers to make up street—Whether requirements for discretion of local authority—Whether justices had jurisdiction to consider propriety of requirement—Highways Act, 1959, s. 189.
Batley Corpn. v. Henry Crowther & Sons Ltd., Divl.Ct. (1962) 60 L.G.R. 270.

——————Sewer to be laid partly under highway and partly under private street—Resolution by street works authority to bear portion of cost—Provisional apportionment—Proposed sewage works " reasonable "—Whether justices entitled to reduce amount provisionally apportioned—Highways Act, 1959, ss. 178, 210 (1).
Coulsdon and Purley Urban District Council v. Cherry, Divl.Ct. (1965) 63 L.G.R. 283.

Right of appeal from justices—Justices' decision that lane not a private street—Whether council a " person aggrieved " by justices' decision—Highways Act, 1959, s. 275 (1).
Phillips v. Berkshire County Council, Divl.Ct. [1967] 2 Q.B. 991; [1967] 3 W.L.R. 565.

——————Resolution by urban district council to sewer streets—Resolutions approving plans and apportionment—Objection by frontagers—Resolutions quashed by justices—Whether council a " person aggrieved " by justices' decision—Whether right of appeal—Highways Act, 1959, s. 275 (1).
Reg. v. Boldero, *Ex parte* **Bognor Regis Urban District Council,** Divl.Ct. (1962) 60 L.G.R. 292.

Sewers—Foul and surface water sewers—Proposal to sewer part only of estate—Resolution to sewer for foul water only—Whether unreasonable—Extent of justices' jurisdiction—Highways Act, 1959, ss. 174, 177, 178.
Bognor Regis Urban District Council v. Boldero, Divl.Ct. [1962] 2 Q.B. 448; [1962] 3 W.L.R. 330.

" Private street "

Land adjoining highway—Development of land leaving strip undeveloped—No physical barriers between strip and private street—Houses fronting strip—Frontagers granted easement over strip—Strip uncultivated, unsurfaced and unused except for car parking —Whether part of private street—Whether " premises fronting the street "—Highways Act, 1959, s. 174 (1).
Warwickshire County Council v. Adkins, D.C. (1968) 66 L.G.R. 486.

HIGHWAY—*continued.*

Private street works—*continued.*

"Private street"—continued.

Onus of proof—Way not in existence in 1835—Strip of way fenced—Abortive negotiations for dedication—Fenced strip becoming part of highway—Absence of evidence of circumstances—Whether agreement by urban authority to be inferred—Whether highway maintainable and repairable by inhabitants at large—Public Health Act, 1875, s. 146—Highways Act, 1959, ss. 174 (1), 213.
Chatham Corpn. v. Grunday, Divl.Ct. (1967) 65 L.G.R. 311.

Road not in existence in 1835—No subsequent dedication—Acts of repair and control by local authority—Whether sufficient to constitute road a highway maintainable by public—Onus of proving road a "private street"—Methods of discharge—Highways Act, 1959, s. 213. **Alsager Urban District Council v. Barratt,** Divl.Ct. [1965] 2 Q.B. 343; [1965] 2 W.L.R. 1211.

"Street"

Effect on statutory definition of ordinary meaning of word—Road bordered on one side by playing fields—Four houses and playing fields fronting other side—Access given to public footpath and factory—Extension of a publicly repairable highway—Whether a "private street"—Highways Act, 1959, ss. 174, 213 (1), 295 (1).
Warwickshire County Council v. Atherstone Common Right Proprietors, Divl.Ct. (1964) 65 L.G.R. 439.

"Subsidy house"

Subsidy paid to builder—Condition of subsidy that total cost including estimated cost of entire streetage charges not above stated sum—Street subsequently made up by local authority—Whether house owner liable to pay streetage charges—Housing Act, 1923, s. 2. **Finlayson v. Huddersfield Corpn.,** Divl.Ct. (1961) 59 L.G.R. 125.

Public street works

Undertaker's duty

Open or broken up street—Statutory duty to fence, guard and light street ". . . to give proper warning to public during hours of darkness"—Whether duty absolute—Whether "street works code"—Barriers properly erected and lighted by persons executing work—Removal of barriers by persons unknown—Plaintiff's fall into trench—Whether right of action for breach of statutory duty—Public Utilities Street Works Act, 1950, ss. 3–14, 8 (1).
Keating v. Elvan Reinforced Concrete Co. Ltd., Waller J. (1967) 65 L.G.R. 566.
C.A. [1968] 1 W.L.R. 722.

Refuge

Power to erect

Power of highway authority to erect "refuge" at point where means of access emerged on to highway—"Carriageway"—Whether refuge prevented access to highway—Highways Act, 1959, ss. 67 (1) (2) (3), 68 (1), 85 (1) (*a*) (3) (*d*), 295 (1).
Ching Garage Ltd. v. Chingford Corpn., H.L.(E.) [1961] 1 W.L.R. 470.

Right of way

Dedication

Whether duty owed to user of highway—Accommodation bridge over railway—Whether railway authority liable for non-repair—Whether pedestrian living in vicinity "visitor"—Occupiers' Liability Act, 1957, ss. 1 (2) (4), 2 (1) (2) (4) (6).
Greenhalgh v. British Railways Board, C.A. [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892.

Definitive map

Map showing "carriage road bridleway"—Whether map conclusive evidence of highway—Right to apply to have highway stopped up—National Parks and Access to the Countryside Act, 1949, s. 32 (4).
Morgan v. Hertfordshire County Council, C.A. (1965) 63 L.G.R. 456.

Protection of

Highway authority's right to assert and protect rights of public—Whether fiat of Attorney-General necessary to bring proceedings—Highways Act, 1959, s. 116 (as amended by London Government Act, 1963, Sch. 6).
Hampshire County Council v. Shonleigh Nominees Ltd., Plowman J. [1970] 1 W.L.R. 865.

Road widening

Town planning

Road for which planning authority also highway authority—No improvement or building line prescribed by local authority under Highways Act—Whether achievable by refusal of permission for development under Town and Country Planning Acts—Highways Act, 1959, ss. 72, 73. **Westminster Bank Ltd. v. Beverley Borough Council,** Donaldson J. [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080.
C.A. [1969] 1 Q.B. 499; [1968] 3 W.L.R. 671.
H.L.(E.) [1970] 2 W.L.R. 645.

Traffic signs. *See* ROAD TRAFFIC.

HIRE-PURCHASE

" Actual payment "

Hire-purchase to original owner

Refinancing agreement relating to motor car—Loan required by borrower on security of car hired—Purported sale to agents and resale to new finance company—Car let in hire-purchase to borrower—Whether " actual payment "—Whether " sham " transaction — Whether contravention of statutory order — Hire-Purchase and Credit Sale Agreements (Control) Order, 1960, art. 1 (1), Sch. 2, Pt. 1, paras. 2, 3.

Snook v. London and West Riding Investments Ltd., C.A. [1967] 2 Q.B. 786; [1967] 2 W.L.R. 1020.

————————————Loan required by borrower on security of own car—Car sold to agents who resold to finance company—Car let on hire purchase to borrower—First deposit met by set-off against amount of loan paid to borrower—Whether " actual payment "—Whether contravention of statutory order—Hire Purchase and Credit Sale Agreements (Control) Order, 1960, art. 1 (1), Sch. 2, Pt. I, para. 3.

Kingsley v. Sterling Industrial Securities Ltd., McNair J. and C.A. [1967] 2 Q.B. 747; [1966] 2 W.L.R. 1265.

Finance company

" *Moneylender,*" *whether. See* MONEYLENDER.

Guarantee. (*See also* GUARANTEE.)

Motor-car

Former hirer's guarantee to finance company of new hirer's payments—Former hirer's signature appended in belief that document a release note transferring rights in car to dealer—Whether liable on guarantee.

Muskham Finance Ltd. v. Howard, C.A. [1963] 1 Q.B. 904; [1963] 2 W.L.R. 87.

Indemnity to finance company " against all loss . . . arising out of . . . your having entered into . . . agreement including loss . . . which may arise from the . . . agreement being unenforceable against " hirer—Agreement containing suspensive condition for provision of log-book—Log-book not provided and hirer not paying instalments or remedying defects in accordance with agreement—Whether loss or damage to finance company arising from their entering into hire-purchase or from its being unenforceable against hirer—Whether loss or damage arising from finance company allowing dealers to hand over car without log-book.

Bentworth Finance Ltd. v. Lubert, C.A. [1968] 1 Q.B. 680; [1967] 3 W.L.R. 378.

Recourse agreement—Indemnity against loss sustained through default by customers introduced by dealer—Dealer entitled by agreement to finance company's rights in car on payment of loss—Repossessed car sold by finance company without being transferred to dealer—Whether transfer of car to dealer a condition precedent to payment by dealer under indemnity.

Bowmaker (Commercial) Ltd. v. Smith, C.A. [1965] 1 W.L.R. 855.

————————Indemnity or guarantee—Dealer's guarantee to finance company of hirer's payments—Breach by hirer—Termination of agreement by finance company—No notification to dealer of termination—Further payment under agreement by hirer making total payments more than one-third total hire-purchase price—Motor car unlawfully repossessed by finance company—Claim by finance company against dealer under recourse agreement unenforceable—Hire-Purchase Act, 1938, s. 11.

Unity Finance Ltd. v. Woodcock, C.A. [1963] 1 W.L.R. 455.

————————————Dealer's indemnity to finance company against hirer's default—Breach by hirer—Termination of agreement by finance company —Motor car repossessed and sold by finance company—Claim by finance company against dealer under recourse agreement for balance of loss — Whether recourse agreement enforceable.

Goulston Discount Co. Ltd. v. Clark, C.A. [1967] 2 Q.B. 493; [1966] 3 W.L.R. 1280.

" Protected goods "

Abandonment—Hirer of car defaulting on instalments after paying one-third of hire-purchase price—Car abandoned in damaged condition at garage—Owners recovering possession—Whether illegal retaking of protected goods " from the hirer . . . otherwise than by action "—Whether guarantors of hire-purchase contract entitled to repudiate claim for outstanding balance—Hire-Purchase Act, 1965, ss. 33, 34.

Bentinck Ltd. v. Cromwell Engineering Co., C.A. [1970] 3 W.L.R. 1113.

Warranty by dealer

Dealer's warranty to finance company that hirer's statements true—Purchase from dealer by finance company—Hirer's statement false—No payment made under hire-purchase agreement—Liability of dealer—Measure of damages.

Liverpool and County Discount Co. Ltd. v. A.B. Motor Co. (Kilburn) Ltd., C.A. [1963] 1 W.L.R. 611.

Guarantee or indemnity. *See* GUARANTEE.

HIRE-PURCHASE—*continued.*

Hire-purchase agreement. (*See also* BILL OF SALE.)

Agent, when the dealer

Blank form signed by hirer—Figures filled in by dealer's manager—Deposit paid to dealer—Fraud of dealer's manager—Agreement void—Deposit returnable by finance company. **Branwhite v. Worcester Works Finance Ltd.**, H.L.(E.) [1969] 1 A.C. 552; [1968] 3 W.L.R. 760.

Agent, whether dealer

Blank form signed by hirer—Agreement by hirer with dealer for hire-purchase price within statutory protection—Contract form filled up by dealer for price outside statutory protection—Deposit paid to dealer—Whether agreement enforceable—Whether parol evidence admissible to prove true nature of transaction—Status of dealer in hire-purchase agreement—Whether hirer estopped by negligence—Hire-Purchase Act, 1938, ss. 2 (1) (2), 5 (*e*). **Campbell Discount Co. v. Gall**, C.A. [1961] 1 Q.B. 431; [1961] 2 W.L.R. 514.

Dealers engaging in transaction prohibited by finance company—Whether dealers' knowledge to be imputed to finance company. **Stoneleigh Finance Ltd. v. Phillips**, C.A. [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508.

Dealer's supply of standard hire-purchase forms—Offer not in accordance with standard form—Whether dealer agent to receive offer. **Northgran Finance Ltd. v. Ashley (Better Cars Ltd. Third Party)**, C.A. [1963] 1 Q.B. 476; [1962] 3 W.L.R. 1360.

Offer to purchase on hire-purchase terms—Whether dealer agent to receive revocation of hirer's offer. **Financings Ltd. v. Stimson**, C.A. [1962] 1 W.L.R. 1184.

Payment of commission by finance company to dealer—Whether status of dealer affected. *In re* **Finance Houses Association Ltd.'s Agreement**, R.P.Ct.(E. & W.) [1965] 1 W.L.R. 1419.

Assignment

Prohibition against assignment—Sale of goods by hirer and dealers—Measure of damages on resale—Whether value of goods recoverable—Whether more than amount outstanding on hire-purchase agreement recoverable. **Wickham Holdings Ltd. v. Brooke House Motors Ltd.**, C.A. [1967] 1 W.L.R. 295.

Covenant not to assign benefit

Equitable assignment by husband to wife—Whether breach. **Spellman v. Spellman**, C.A. [1961] 1 W.L.R. 921.

Damages for breach

Exceptions clause—Defective unroadworthy car supplied—Car retained by hirer on discovery of its condition—Hirer's failure to pay instalments—Termination of agreement by finance company—No repudiation by hirer—Quantum of finance company's damages Whether defects constitute fundamental breach—Whether fundamental breach capable of waiver—Quantum of hirer's damages. **Charterhouse Credit Co. Ltd. v. Tolly**, C.A. [1963] 2 Q.B. 683; [1963] 2 W.L.R. 1168.

Hirer's failure to pay first two instalments—Termination of agreement by owners—No repudiation by hirer—Seizure of goods by owners—Quantum of damages. **Financings Ltd v. Baldock**, C.A. [1963] 2 Q.B. 104; [1963] 2 W.L R. 359.

Hirer's failure to pay instalments—Notice to owner of inability to fulfil agreement—Owner's claim under minimum payment clause—Whether clause penalty—Whether acceptance of repudiation—Measure of damages. **United Dominions Trust (Commercial) Ltd. v. Ennis**, C.A. [1968] 1 Q.B. 54; [1967] 3 W.L.R. 1.

————————Termination of agreement by owners—Goods sold by owners for less than price paid—Whether owners entitled to damages for breach of contract. **Yeoman Credit Ltd. v. Waragowski**, C.A. [1961] 1 W.L.R. 1124.

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contract—Quantum of damages—Discount for earlier return of capital to owner. **Overstone Ltd. v. Shipway**, C.A. [1962] 1 W.L.R. 117.

Motor car—Determination of hire-purchase agreement by owners—Repossession of motor car in damaged condition—Covenant to keep car in good order, repair and condition—Car damaged in accident—Measure of damages. **Brady v. St. Margaret's Trust Ltd.**, C.A. [1963] 2 Q.B. 494; [1963] 2 W.L.R. 1162.

Retaking and subsequent sale of car by owners—Discount for owners accelerated receipt of capital. **Yeoman Credit Ltd. v. McLean**, Master Jacob [1962] 1 W.L.R. 131.

HIRE-PURCHASE—*continued.*

Hire-purchase agreement—*continued.*

Enforceability

Blank hire-purchase forms signed by owner of car wanting to raise loan on it—Forms submitted by dealer to finance company without owner's authority—Status of dealer—Whether owner estopped by negligence from denying dealer's authority.
Mercantile Credit Co. Ltd. v. Hamblin, C.A. [1965] 2 Q.B. 242; [1964] 3 W.L.R. 798.

Hirer's failure to pay instalments—Demand for return of motor vehicle and repossession by owner—Voluntary surrender by hirer—Whether enforcement of agreement by owners without order of court—Meaning of "enforce"—Hire-Purchase Act, 1938, s. 11.
Mercantile Credit Co. Ltd. v. Cross, C.A. [1965] 2 Q.B. 205; [1965] 2 W.L.R. 687.

Suspensive condition—Agreement for hire-purchase of motor-car—Implicit agreement to provide log-book—Whether hire-purchase agreement enforceable if log-book not provided.
Bentworth Finance Ltd. v. Lubert, C.A. [1968] 1 Q.B. 680; [1967] 3 W.L.R. 378.

Evidence

Original to be produced—Copies for Court of Appeal to be copies of original document adduced and proved.
Hodge Industrial Securities Ltd. v. Cooper, C.A. [1962] 1 W.L.R. 209.

Illegality

Agreement relating to motor car—Contravention of statutory order—Illegality not apparent on face of agreement—Action for damages for breach of agreement—Illegality not pleaded—Facts brought to light in evidence in county court—Question of illegality not argued before judge—Judge's failure to give effect to illegality—Right to take point on appeal—County Courts Act, 1959, s. 108.
Snell v. Unity Finance Co. Ltd., C.A. [1964] 2 Q.B. 203; [1963] 3 W.L.R. 559.

——————————Initial payment—Less than 2C per cent. of cash price paid by hirer—Book entries crediting hirer with balance in form of discount allowed to owner on purchase of cars—Whether "actual payment" of statutory amount—Whether contravention of statutory order—Hire-Purchase and Credit Sale Agreements (Control) Order, 1964, art. 1 (1), Sch. 2, Pt. 1, para. 3 (1) (*a*).
Belvoir Finance Co. Ltd. v. Harold G. Cole & Co. Ltd., Donaldson J. [1969] 1 W.L.R. 1877.

————————————————Less than 20 per cent. of cash price paid by hirers—Whether contravention of statutory order—Sale by hirers without owners' authority—Whether right to sue in conversion—Hire-Purchase and Credit Sale Agreements (Control) Order, 1964, art. 1 (1), Sch. 2, Pt. 1, para. 3 (1) (*a*).
Belvoir Finance Co. Ltd. v. Stapleton, C.A. [1970] 3 W.L.R. 530.

Exchange of cars on hire-purchase — No payment of any money — Ownership in car exchanged not transferred—Whether car "taken in part exchange" within statutory regulation—Whether contract illegal—Hire-Purchase and Credit Sale Agreements (Control) Order, 1960.
Northgran Finance Ltd. v. Ashley (Better Cars Ltd. Third Party), C.A. [1963] 1 Q.B. 476; [1962] 3 W.L.R. 1360.

Refinancing agreement relating to car hired—Loan required on security of car—Purported sale to agents and resale to new finance company—Car let on hire-purchase to borrower —Whether "sham" transaction—Whether figures fictitious—Whether contravention of statutory order—Whether agent's knowledge to be imputed to finance company—Hire-Purchase and Credit Sale Agreements (Control) Order, 1960, art. 1 (1), Sch. 2, Pt. 1, paras. 2, 3. **Snook v. London and West Riding Investments Ltd.,** C.A. [1967] 2 Q.B. 786; [1967] 2 W.L.R. 1020.

Implied term

Fitness—Exceptions clause—"No warranty as to fitness for any purpose"—Motor car in unusable condition — Latent defects — Whether breach of fundamental condition—Whether hirer protected by exceptions clause.
Yeoman Credit Ltd. v. Apps, C.A. [1962] 2 Q.B. 508; [1961] 3 W.L.R. 94.

Motor car unlicensed and without log-book—Whether term implied that log-book will be provided—Whether provision of log-book suspensive condition on which existence of hire-purchase agreement depends—Whether condition waivable—Whether contract existing until log-book provided—Failure to provide log-book—Whether hirer bound to apply to licensing authorities for duplicate log-book—Car unlicensed and unused—Whether instalments falling due and repairing term under hire-purchase agreement coming into operation.
Bentworth Finance Ltd. v. Lubert, C.A. [1968] 1 Q.B. 680; [1967] 3 W.L.R. 378.

New but unroadworthy motor cycle—Exception clauses—"Subject to no conditions whatsoever express or implied . . ."—"Not supplied subject to any condition that the same is fit for any particular purpose"—Congeries of defects from date of delivery until hirer's repudiation of liability after four months—Whether fundamental breach of terms implied by law in hire-purchase contracts—Whether owner can rely on exception clauses—Whether hirer's use of cycle during period of continuous complaint constituting affirmation by conduct. **Farnworth Finance Facilities Ltd. v. Attryde,** C.A. [1970] 1 W.L.R. 1053.

HIRE-PURCHASE—*continued.*

Hire-purchase agreement—*continued.*

Implied term—continued.

Unroadworthy car—Exceptions. **Charterhouse Credit Co. Ltd. v. Tolly,** C.A. [1963] 2 Q.B. 683; [1963] 2 W.L.R. 1168.

——————Fitness—Correspondence with description—Exceptions clause—"No warranty as to state or quality"—"Any warranty as to description, repair, quality or fitness for any purpose excluded"—Faulty condition of vehicle—Whether breach of fundamental condition so as to entitle hirer to relief. **Astley Industrial Trust Ltd. v. Grimley,** C.A. [1963] 1 W.L.R. 584.

Livestock

Acquisition of ewes by hire-purchase agreement with finance company—Subsequent birth of lambs—Hirer's sale of ewes and lambs—Whether lambs property of purchaser or finance company. **Tucker v. Farm and General Investment Trust Ltd.,** C.A. [1966] 2 Q.B. 421; [1966] 2 W.L.R. 1241.

Mill in disrepair

Promise by owner to repair—Breach of warranty—Measure of damages. **Doobay v. Mohabeer,** P.C. [1967] 2 A.C. 278; [1967] 2 W.L.R. 1395.

Penalty. (*See also* CONTRACT.)

Claim by owners under depreciation clause for "agreed depreciation"—Whether a penalty—Previous decision of Court of Appeal that identical clause a penalty—Whether binding. **Lombank Ltd. v. Excell,** C.A. [1964] 1 Q.B. 415; [1963] 3 W.L.R. 700.

"*Price*"

Meaning of—Defined as ". . . the total sum payable . . . under a hire-purchase agreement . . . to complete the purchase of goods . . ."—Dealer's payment of insurance premium on car—Proportionate increase in cash price of car—Whether cost of insurance properly part of hire-purchase price—Hire-Purchase Act, 1938, s. 21 (1). **Mutual Finance Ltd. v. Davidson,** C.A. [1963] 1 W.L.R. 134.

Termination

Hirer's option to terminate by returning car in good condition—Notice given by hirer that unable to fulfil terms of agreement—Keys and log book of car returned and location given—Whether exercise of option—Whether acceptable by owner of repudiation. **United Dominions Trust (Commercial) Ltd. v. Ennis,** C.A. [1968] 1 Q.B. 24; [1967] 3 W.L.R. 1.

Unserviceable motor lorries

Written permission to withhold instalments pending repairs—Claim for unpaid instalments—Promissory estoppel—Equity in favour of promisee—Qualifications—Nigeria. **Ajayi v. R. T. Briscoe (Nig.) Ltd.,** P.C. [1964] 1 W.L.R. 1326.

Wrongful termination by owner

Car left in possession of hirer after termination of agreement—Implied offer by owner to revive agreement not accepted by hirer—Demand by owner for return of car to specified address—Claim in detinue not substantial in absence of contract—Duty of hirer limited to not obstructing owner from taking car. **Capital Finance Co. Ltd. v. Bray,** C.A. [1964] 1 W.L.R. 323.

Owner's right to possession

Action by him in conversion

"In case of any . . . breach of any term or condition . . . owners . . . forthwith . . . entitled immediately to recover possession . . ."—Hirer in arrears with hire-purchase instalment—Vehicle lent to third party—Conversion by third party—Whether owners entitled to immediate possession—Right of owners to sue third party in conversion. **Moorgate Mercantile Co. Ltd. v. Finch and Read,** C.A. [1962] 1 Q.B. 701; [1962] 3 W.L.R. 110.

Payment of settlement figure

Title

Motor car let on hire-purchase agreement—Third party's payment of settlement figure—Whether third party acquiring title—Fictitious transaction by third party—Hirer's contractual right to purchase car and acquire title—Presumption as to payment on hirer's behalf. **Bennett v. Griffin Finance,** C.A. [1967] 2 Q.B. 46; [1967] 2 W.L.R. 561.

Practice

Judgment in default of appearance

Claim for "agreed depreciation"—Whether a penalty—Whether leave should be given to enter judgment—Whether rule ultra vires—Whether other procedure open to plaintiff—R.S.C., Ord. 13, r. 19. **Lombank Ltd. v. Cook,** Winn J. [1962] 1 W.L.R. 1133.

Warranty by dealer

Damages for breach

Hire-purchase of second-hand car warranted "in perfect condition"—Incurable defects found—Determination of hire-purchase agreement—Hirer's liability to finance company—Whether correct measure of damages for breach of warranty—Costs of defending action by finance company. **Yeoman Credit Ltd. v. Odgers,** C.A. [1962] 1 W.L.R. 215.

HONG KONG

Architect

Professional misconduct

Jurisdiction of disciplinary board to consider allegation of criminal offence—Function of legal adviser as member of disciplinary board—Whether legal adviser should sum up to the board in the presence of the parties—" Due inquiry "—Building Ordinance, 1955 (Hong Kong), ss. 4, 5, 5B, 27—Buildings (Administration) Regulations, 1959, reg. 38.
In re **Chien Sing-Shou,** P.C. [1967] 1 W.L.R. 1155.

Crime

Evidence

Confession—Voluntariness—Judge's ruling as to admissibility—Jury only concerned with probative value or effect of evidence so admitted—No necessity for separate direction to the jury that they must be satisfied as to voluntariness—Right of defence to cross-examine in presence of jury as to method of obtaining the confession.
Chan Wei Keung v. The Queen, P.C. [1967] 2 A.C. 160; [1967] 2 W.L.R. 552.

Criminal law

Jurisdiction

Charge of obtaining credit by fraud—" Misdemeanour triable summarily "—Transfer from magistrate to District Court—Validity of transfer—Whether " indictable offence " —Statutory discretion of District Court to remit or hear case—Larceny Ordinance, c. 210, s. 51 (a)—Magistrates Ordinance, c. 227, as amended by the Magistrates (Amendment) Ordinance, s. 87 (A) (1)—District Court Ordinance, No. 1 of 1953, s. 29 (1) (4)—Criminal Procedure Ordinance, c. 221, s. 69 (1).
Li Keung Pong v. Attorney-General of Hong Kong, P.C. [1964] 1 W.L.R. 892.

Murder

Misdirection—Provocation, defence of—Available when intent to kill—Intention arising from sudden passion involving loss of self-control—Application of the proviso.
Lee Chun-Chuen v. The Queen, P.C. [1963] A.C. 220; [1962] 3 W.L.R. 1461.

Divorce

Appeal to Privy Council

Decree in favour of one or other party affecting amount of maintenance whether involving " civil right "—" Directly or indirectly "—No appeal lies as of right—Power to grant special leave—Order in Council of August 10, 1909 (S.R. & O. 1909, Hong Kong: Appeals to Judicial Committee), r. 2 (*a*).
Hui v. Cheung, P.C. [1969] 1 A.C. 131; [1968] 3 W.L.R. 941.

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Admissible to show fact that statement was made—Not admissible to establish truth of statement—Charge of murder—Defence of alibi—Relevancy of evidence to show that accused acted in concert.
Mawaz Khan v. The Queen, P.C. [1967] 1 A.C. 454; [1966] 3 W.L.R. 1275.

Landlord and tenant

Repeal of legislation

Whether right acquired or accrued—Rebuilding certificate—Right to investigation—Not itself a right preserved by Interpretation Ordinance—Landlord and Tenant Ordinance, 1947, c. 255 (as amended by Ordinances No. 22 of 1953 and No. 11 of 1954), s. 3 (A)–(E)—Interpretation Ordinance, c. 1, s. 10.
Director of Public Works v. Ho Po Sang, P.C. [1961] A.C. 901; [1961] 3 W.L.R. 39.

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Corporation and business profits taxes

Company trading both solely and in partnership—Loss on sole trading not to be set off against profits of partnership—Inland Revenue Ordinance, c. 112, of Hongkong, ss. 2, 14, 15, 19 (1), 22 (1). **Inland Revenue Comr. v. Four Seas Co. Ltd.,** P.C. [1962] A.C. 161; [1961] 3 W.L.R. 1399.

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Denial of liability to pay duty—No accounts demanded or produced—Appeal procedure— " Any person aggrieved by the decision of the Commissioner with respect to the amount of . . . duty payable "—Whether " decision " made—Estate Duty Ordinance (Ordinances of Hong Kong, 1950 Rev., c. 111), ss. 11, 19 (1).
Moller v. Comr. of Estate Duty, P.C. [1968] A.C. 343; [1967] 1 W.L.R. 1022.

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Comr. of Inland Revenue v. Mutual Investment Co. Ltd., P.C. [1967] 1 A.C. 587; [1966] 3 W.L.R. 740.

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Conveyance on sale—Duty payable on "amount" or "value" of consideration at date of the instrument—Consideration payable by instalments—Lesser "value"—Duty payable on total "amount" of actual consideration—Stamp Ordinance (Laws of Hong Kong, 1950 Rev., c. 117), ss. 5, 34–36, Sch., item 21.
Hotung v. Collector of Stamp Revenue, P.C. [1965] A.C. 766; [1965] 2 W.L.R. 546.

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Meaning of word—Plural—Whether including singular—Statutory power to appoint "commissioners" to conduct inquiry—Sole commissioner appointed—Validity—Plural to include singular in absence of contrary intention—Commissioners Powers Ordinance (Laws of Hong Kong, 1950 Rev., c. 86), s. 2—Interpretation Ordinance (Laws of Hong Kong, 1950 Rev., c. 1), ss. 2 (1), 3 (5) (*b*).
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HOUSE OF LORDS. (*See also* JUDICIAL PRECEDENT.)

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Practice Direction (House of Lords: Leap-Frog Procedure), H.L. [1970] 1 W.L.R. 97.

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Murphy v. Stone-Wallwork (Charlton) Ltd., H.L.(E.) [1969] 1 W.L.R. 1023.

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Ross v. Associated Portland Cement Manufacturers Ltd., H.L. (E.) [1964] 1 W.L.R. 768.

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" *Costs in the cause* "

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J. T. Stratford & Son Ltd. v. Lindley (No. 2), C.A. [1969] 1 W.L.R. 1547.

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Criminal cause or matter

Grant of certificate that decision involved point of law of general public importance—Whether jurisdiction of House of Lords on hearing appeal limited to determination of that point of law—Administration of Justice Act, 1960, ss. 1, 18, Sch. 11.
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Leave to appeal against conviction—Argument on sentence not permissible—Jurisdiction to uphold conviction on ground of no miscarriage of justice—Need for Crown to give notice of intention to raise point. **Jones v. Director of Public Prosecutions,** C.C.A. and H.L.(E.) [1962] A.C. 635; [1962] 2 W.L.R. 575.

Leave to appeal

Bankruptcy

High Court order—Scale of costs—Appeal to Court of Appeal—Refusal by Court of Appeal to grant leave to appeal to House of Lords from its decision in a bankruptcy matter originating in High Court—Whether Appeal Committee jurisdiction to grant leave—Bankruptcy Act, 1914, s. 108 (2) (*b*).
Soul v. Inland Revenue (Practice Note), H.L.(E.) [1964] 1 W.L.R. 1072.

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Conditional leave—Jurisdiction—Right to apply to Appeals Committee.
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Certificate—Point of law of general public importance—No power to grant on application for leave to appeal. **Reg. v. Stafford; Reg. v. Luvaglio,** C.A. (1968) 53 Cr.App.R. 1.

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Zacharia v. Republic of Cyprus, Divl.Ct. and H.L.(E.) [1963] A.C. 634; [1962] 2 W.L.R. 1163.

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Service of petition on respondent—Habeas corpus—Applicant to be represented—Administration of Justice Act, 1960, ss. 1, 15. **Practice Directions (Administration of Justice Act, 1960),** H.L.(E.) [1962] 1 W.L.R. 270.

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New trial ordered by Court of Appeal on appeal from judge alone—Appeal to House of Lords—R.S.C., Ord. 59, r. 11 (2).
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Incompetent—Certified as such.
Practice Direction (House of Lords : Petitions), H.L. [1970] 1 W.L.R. 1218.

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HOUSE OF LORDS—*continued.*

Practice

Appeal out of time

Petition to present appeal out of time—Consent of respondent—Petition to be considered in private—Agents not required to attend—Standing Order No. 1.
Practice Direction (House of Lords: Leave to Appeal Out of Time), H.L. [1966] 1 W.L.R. 1084.

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Question of law not arising

Whether proper for Lords to express opinions on it—Question determined by Court of Appeal without jurisdiction—Contrary view of Lords—Propriety of expressing it.
Essex Incorporated Congregational Church Union v. Essex County Council, H.L.(E.) [1963] A.C. 808; [1963] 2 W.L.R. 802.

HOUSING. (*See also* PUBLIC HEALTH.)

Clearance order

Well-maintained house

Payment in respect of—Whether to owner or tenant—Whether authority must give notice to owner—Whether council could rely on recommendation of inspector—Housing Act, 1957, s. 60 (2). **Hoggard v. Worsbrough Urban District Council,** Winn J. [1962] 2 Q.B. 93; [1962] 2 W.L.R. 676.

Compulsory purchase. (*See also* COMPULSORY PURCHASE.)

Needs of the district

Unoccupied houses acquired by local authority in need of housing accommodation—Whether proper considerations taken into account in making compulsory purchase order—Housing Act, 1957, ss. 92, 96. **Moore v. Minister of Housing and Local Government,** Lawton J. [1966] 1 Q.B. 602; [1965] 3 W.L.R. 209.

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Validity—Mixed development—Land acquired for housing purposes—Part of area planned for comprehensive redevelopment—Redevelopment for housing purposes—Condition imposed by planning authority in relation to redevelopment of whole area—Whether housing authority entitled to take requirements of planning authority into account—Whether dichotomy between "housing" and "planning" considerations—Housing Act, 1957, Pt. V, ss. 91, 97, 107. **Hanks v. Minister of Housing and Local Government,** Megaw J. [1963] 1 Q.B. 999; [1962] 3 W.L.R. 1482.

"*Provision of housing accommodation*"

Houses in need of repair and improvement—Compulsory purchase order—Order made to ensure houses brought up to and kept to satisfactory standard—No increase in occupation density intended—Validity of order—Housing Act, 1957, ss. 91, 92, 96, 97.
Andreiser v. Minister of Housing and Local Government, Russell L.J. (1965) 63 L.G.R. 483.

Dangerous premises

"*Owner*"

Order requiring works to be executed—Freehold owned by company—Occupied by purchaser paying purchase price by instalments—Agreement providing for payment of rent to occupier—Whether company entitled to receive rack rent—Whether company the "owner"—Public Health Act, 1936, ss. 58, 343 (1).
Ebor Land and Development Co. Ltd. v. Benfield, D.C. (1969) 68 L.G.R. 237.

Fire

Means of escape from

Notice by local authority requiring execution of works—Service on leaseholders—Premises likely to be demolished for redevelopment—Termination of long lease—Whether freeholders liable to contribute to cost of work—Whether a "benefit from the execution of the works"—Housing Act, 1961, ss. 16 (1), 17 (1) (3).
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Notice by local authority requiring work to be done—Smoke screen—Whether a "means of escape"—Housing Act, 1961, s. 16 (1).
Horgan v. Birmingham Corpn., C.A. (1964) 63 L.G.R. 33.

"House"

Clearance area

Dwelling house structurally altered for office use—House not fit for human habitation—Reconversion possible at reasonable expense—Whether identity as dwelling house retained—Whether Minister entitled to consider future possibility—Whether material on which Minister could conclude a house—Housing Act, 1957, s. 42 (1).
Howard v. Minister of Housing and Local Government, John Stephenson J. (1967) 65 L.G.R. 257.

HOUSING—*continued.*

House—*continued.*

Clearance area—continued.

Tenement building occupying whole of clearance area—48 defective dwellings and four shops—Compulsory purchase order served on owners—Validity of—Whether tenement dwellings included shops a house—Applicability to tenement block of section relating to "houses in that area"—Interpretation Act, 1889, s. 1 (1)—Housing Act, 1957, ss. 42 (1) (*a*), 43 (1). **Annicola Investments Ltd. v. Minister of Housing and Local Government,** Lawrence J. [1968] 1 Q.B. 631; [1966] 2 W.L.R. 1204.

Tenement houses—Block of tenement houses included in clearance on ground that houses thereon unfit for human habitation—Whether "houses" or "other buildings"—Housing Act, 1957, ss. 42, 43. **Quiltotex Co. Ltd. v. Minister of Housing and Local Government,** Salmon L.J. [1966] 1 Q.B. 704; [1965] 3 W.L.R. 801.

Overcrowding

Hostel for continental schoolchildren — House occupied during summer months only — Children living communally under sole control of occupier—Whether a "house"—Whether "occupied by members of more than one family"—Housing Act, 1957, s. 90. **Reed v. Hastings Corpn.,** C.A. (1964) 62 L.G.R. 588.

Tenement house

House built for occupation by one family divided into three self-contained dwellings—Each dwelling occupied by separate family—No hot water in kitchen of one dwelling—Notice by local authority requiring owner of building to supply—Applicability of notice—Whether building a "house" occupied by members of more than one family—Housing Act, 1961, ss. 15 (1), 22 (1) (*a*). **Okereke v. Brent London Borough Council,** C.A. [1967] 1 Q.B. 42; [1966] 2 W.L.R. 169.

Unfit for human habitation

What is a "house"? **Ashbridge Investments Ltd. v. Minister of Housing and Local Government,** C.A. [1965] 1 W.L.R. 1320.

Improvement

Improvement notice

Appeal by owner on ground that notice invalid—No tenant occupying dwelling—Agricultural cottage—Specified works costing £375—Whether appellant's interests "substantially prejudiced" by notice—Housing Act, 1964, s. 27 (3). **De Rothschild v. Wing Rural District Council,** C.A. [1967] 1 W.L.R. 470.

Defective "personal washing facilities"—Hot water supply—Notice by local authority requiring owner to provide—Whether provision of hot water within meaning of term "personal washing facilities"—Housing Act, 1961, s. 15 (1). **McPhail v. Islington London Borough Council,** C.A. [1970] 2 Q.B. 197; [1970] 2 W.L.R. 583.

Validity—Whether challengeable at stage of service of notice—"Defect in or in connection with . . . notice"—Whether notice valid if requirement ultra vires—Jurisdiction of local authority to require improvement by building of extension to dwelling—Whether jurisdiction challengeable on appeal against improvement notice—Whether landlord "substantially prejudiced" by local authority seeking to exercise non-existent powers—Notice requiring building on of bathroom as extension to dwelling—"Standard amenity"—"Bathroom"—Whether dwelling with bathroom added on different dwelling—"Reasonable expense"—Whether expense reasonable to those called on to bear it—Reasonableness —"Estimated cost of . . . works and value . . . that . . . dwelling will have . . ."—Protected tenant in occupation of dwelling—Whether statutory grant towards cost of works to be considered—"Value" of dwelling when works completed—"Works . . . otherwise unreasonable in character or extent"—"Estate or interest in the dwelling" —Whether protected tenant having estate or interest in dwelling—Housing Act, 1964, ss. 14 (1), 27 (1) (2) (*a*) (*b*) (*d*) (*e*) (3), 28, 43 (1) (2) (3). **Harrington v. Croydon Corpn.,** C.A. [1968] 1 Q.B. 856; [1968] 2 W.L.R. 67.

Work carried out by local authority—Demand for cost of work—Appeal against demand—Whether appeals limited to cases of allegedly bad or extravagant work—Housing Act, 1964, s. 29. **Harrington v. Croydon Corpn.,** C.A. [1968] 1 Q.B. 856; [1967] 2 W.L.R. 67.

Multiple occupation

"*Family*"

Occupation by father and mother of one floor, son and family of another—Separate households—Whether "occupied by members of more than one family"—Housing Act, 1961, ss. 15 (1), 16 (1). **Holm v. Royal Borough of Kensington and Chelsea,** C.A. [1968] 1 Q.B. 646; [1967] 2 W.L.R. 1164.

Overcrowding

Direction limiting number of inhabitants—Whether direction may be given if only one family in occupation—Whether direction invalid on occupants becoming members of one family only—"Individuals"—Housing Act, 1961, ss. 15, 19. **Allen v. Khan,** Divl.Ct. [1968] 1 Q.B. 609; [1967] 3 W.L.R. 1627.

HOUSING—*continued.*

Notice to quit

Signature

House owned by local authority—Town clerk's signature on notice—Notice of intention to apply for ejectment warrant—Housing manager's signature—Whether valid—Whether Act of 1957 or Act of 1838 applied—Housing Act, 1957, ss. 158 (2), 166 (2) (*b*)—Small Tenements Recovery Act, 1838, s. 1.
Reg. v. Forest Justices, *Ex parte* **Dallaire,** Divl.Ct. [1962] 2 Q.B. 629; [1962] 2 W.L.R. 642.

Possession application

Evidence

Notice to quit terminating tenancy—Application to justices for possession—No specific proof that local authority acting under enactment relating to housing—Whether proof necessary—Housing Act, 1957, s. 158 (2).
St. Pancras Borough Council v. Frey, Divl.Ct. [1963] 2 Q.B. 586; [1963] 2 W.L.R. 894.

——————————Tenant remaining in possession — Application to justices for possession—Evidence that local authority requiring possession for housing persons on housing list—No finding by justices whether evidence accepted—Whether warrant correctly issued—Small Tenements Recovery Act, 1838, s. 1—Housing Act, 1957, s. 158 (2). **Harpin v. St. Albans Corpn.,** D.C. (1969) 67 L.G.R. 479.

Powers of management

Insurance

Collective insurance by local authority—Insurance of tenants' household and personal goods—Authority acting as agent—Premiums collected by officer of authority—Whether "management"—Whether scheme ultra vires—Housing Act, 1957, s. 111 (1).
Attorney-General v. Crayford Urban District Council, Pennycuick J. [1962] Ch. 246; [1961] 3 W.L.R. 1198.
C.A. [1962] Ch. 575; [1962] 2 W.L.R. 998.

Rent

Scheme by local authority

Whether general level of rents "unreasonably" low — Basis of comparison — Economic rents — Whether loss suffered by general rate fund — Local Government Act, 1933, ss. 226 (1) (2), 229 (1)—Housing Act, 1957, ss. 111 (1), 113 (3) (4).
Evans v. Collins, Divl.Ct. [1965] 1 Q.B. 580; [1964] 3 W.L.R. 30.

Whether local authority required to operate differential rent scheme—Whether mandatory to grant rebates on review of rents—Review of rents—Resolutions authorising increases to meet cost of repairs and increased loan charges—Relevance of tenants' financial position and personal circumstances—Whether relevant—Whether resolutions ultra vires—". . . make such changes . . . of rebates . . . as circumstances may require"—Housing Act, 1957, ss. 111 (1), 113 (3) (4).
Luby v. Newcastle-under-Lyme Corpn., C.A. [1965] 1 Q.B. 214; [1964] 3 W.L.R. 500.

Whether rent "reasonable"—Whether local authority required to operate differential rent scheme—"May make such reasonable charges for the tenancy or occupation of the houses as they may determine"—Extent of discretion—Housing Act, 1957, ss. 111 (1), 113 (2) (3) (4). **Luby v. Newcastle-under-Lyme Corpn.,** Diplock L.J. [1964] 2 Q.B. 64; [1964] 2 W.L.R. 475.

Rent restriction. *See* LANDLORD AND TENANT.

Repair

Implied covenant

Short lease of dwelling-house—Steps and flagstones forming access to house—Whether implied covenant included steps and flagstones—Housing Act, 1961, s. 32 (1) (*a*).
Brown v. Liverpool Corpn., C.A. [1969] 3 All E.R. 1345.

Restrictive covenant

Variation. See RESTRICTIVE COVENANT.

Service of document

Postal service

Compulsory purchase order—Notice to treat posted to last known address—Return marked gone away—Whether "deemed" to be effective service—Housing Act, 1957, s. 169 (1)—Interpretation Act, 1889, s. 26.
Hewitt v. Leicester Corpn., C.A. [1969] 1 W.L.R. 855.

Unfit for human habitation

Demolition order

County court—Jurisdiction—Order requiring vacation of premises within 28 days and demolition within six weeks thereafter—Whether power in county court to delete provision as to vacation of premises—Whether power to extend time for demolition to seven years—Whether proper exercise of discretion—Housing Act, 1957, ss. 20, 21.
Pocklington v. Melksham Urban District Council, C.A. [1964] 2 Q.B. 673; [1964] 3 W.L.R. 233.

HOUSING—*continued.*

Unfit for human habitation—*continued.*

Demolition order—continued.

"Forthwith"—Dispute whether original demolition orders valid—Fresh demolition orders served more than six months after service of "time and place" notices—Whether fresh demolition orders made "forthwith"—No appeal by owner against orders—Whether debarred from asserting their invalidity—Demolition work carried out by contractor under lump sum contract—Contractor given right to retain materials recovered from demolished dwellings—Notional credit given for value of materials—Whether proper procedure for execution of work—Housing Act, 1957, ss. 16 (1), 17 (1), 20 (1), 23 (1) (2), 37 (1). **Hillingdon London Borough Council v. Cutler,** C.A. [1968] 1 Q.B. 124; [1967] 3 W.L.R. 246.

Notice to quit—Whether a discretion to postpone service—Demolition orders requiring occupiers to vacate premises within 30 days—No alternative accommodation available—Notices to quit not served by local authority on demolition orders becoming operative—Whether duty to serve notices to quit forthwith—Housing Act, 1957, s. 22 (1). **Reg. v. Epsom and Ewell Corpn.,** *Ex parte* **R. B. Property Investments (Eastern) Ltd.,** Divl.Ct. [1964] 1 W.L.R. 1060.

Notice to repair

Statute requiring notice to be signed by town clerk or his lawful deputy—Facsimile signature—No evidence called to prove or disprove that facsimile imprinted by authority of town clerk—Validity of notice—No "deeming" clause in statute—Act providing that notices in other Acts purporting to bear required signature shall be deemed to be duly given—Effect—Local Government Act, 1933, s. 287B (as amended by London Government Act, 1963, s. 8 (2), Sch. 4, para. 39). **Plymouth Corpn. v. Hurrell,** C.A. [1968] 1 Q.B. 455; [1967] 3 W.L.R. 1289.

HOWE v. DARTMOUTH, RULE IN. *See* TRUSTS.

HUSBAND AND WIFE

Act of 1882, s. 17

Commencement of proceedings

Originating summons

Proceedings to be High Court Proceedings—Married Women's Property Act, 1882, s. 17. **Practice Direction (Married Women's Property Act, 1882: Originating Summons),** P.D.A. [1968] 1 W.L.R. 772.

Hire-purchase

Moneys paid

Car acquired on hire-purchase—Whether a gift to wife—Registration book in wife's name—Whether intention to create legal relationships—Whether wife has any rights in car or in hire-purchase agreement—Whether jurisdiction to award compensation—Married Women's Property Act, 1882, s. 17—Matrimonial Causes (Property and Maintenance Act, 1958, s. 7. **Spellman v. Spellman,** C.A. [1961] 1 W.L.R. 921.

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Discretion, equitable

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H.L.(E.) [1964] A.C. 644; [1963] 3 W.L.R. 176.

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Frigidity—Wife's neurotic refusal to have children ripening into complete refusal of sexual intercourse. **P. (D.) v. P. (J.),** Stirling J. [1965] 1 W.L.R. 963.

Husband refraining from intercourse to degree insufficient for wife's disposition—Injury to wife's health—Whether conduct amounting to cruelty.
B. (L.) v. B. (R.), C.A. [1965] 1 W.L.R. 1413.

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As grounds

Wife in state of schizophrenic passivity and isolation—Unable to care properly for home and family—Stress, strain and depression suffered by husband—Whether conduct of wife amounted to cruelty.
Priday v. Priday, Cumming-Bruce J. [1970] 3 All E.R. 554.

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Distress of wife—Effect of application on wife known to husband—Application not proceeded with at trial—Whether application to be considered in light of previous cruelty—Whether act of cruelty.
Buxton v. Buxton, Divl.Ct. [1967] P. 48; [1965] 3 W.L.R. 1184.

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Assaults on wife after her withdrawal from cohabitation—"Causes of complaint arising during the subsistence of the marriage"—Whether wife entitled to matrimonial order—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 1 (1).
Waters v. Waters, Divl.Ct. [1968] P. 401; [1968] 2 W.L.R. 987.

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Cohabitation virtually impossible?
Saunders v. Saunders, Divl.Ct. [1965] P. 499; [1965] 2 W.L.R. 32.

"Cruel" means cruel—No esoteric or artificial meaning—Husband of retiring and submissive nature, silent and morose, with no interest in family life—Refusal to discuss money matters with wife—Whether conduct sufficient to constitute cruelty.
Le Brocq v. Le Brocq, C.A. [1964] 1 W.L.R. 1085.

Injury to health. **Noble v. Noble and Ellis (No. 2),** Scarman J. [1964] P. 250; [1964] 2 W.L.R. 349.

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Withdrawal from sexual intercourse—Husband's persistent refusal of intercourse over long period after years of normal marriage—Conduct causing injury to wife's health—Conduct persisted in despite husband's knowledge of effect on wife's health—Corroborating medical evidence—Whether capable of constituting cruelty in absence of extenuating circumstances.
Sheldon v. Sheldon, C.A. [1966] P. 62; [1966] 2 W.L.R. 993.

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Persistent cruelty

Condonation—Revival—Magistrates' Courts Act, 1952, s. 104.
Dunn v. Dunn, Divl.Ct. [1962] 1 W.L.R. 1480.

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Animus deserendi

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Wife suffering from chronic schizophrenia—Delusions—Whether capable of forming intention to desert—Whether in desertion—Matrimonial Causes Act, 1965, s. 1 (2).
Kaczmarz v. Kaczmarz, Cairns J. [1967] 1 W.L.R. 317.

Wife suffering from delusions regarding husband—Whether wife capable of forming intention to desert—Whether wife in desertion.
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Gray (orse. Formosa) v. Formosa, C.A. [1963] P. 259; [1962] 3 W.L.R. 1246.

Separation by consent

Confession of adultery by wife—Wife leaves matrimonial home—Husband not displeased—Whether act of desertion or consensual.
Pizey v. Pizey and Stephenson, C.A. [1961] P. 101; [1961] 3 W.L.R. 183.

Husband agreeing to wife leaving matrimonial home to look after parents—Subsequent decision by wife not to return to husband—Not communicated to husband—Whether wife in desertion—Whether consent of husband to separation still in force.
Nutley v. Nutley, C.A. [1970] 1 W.L.R. 217.

Withdrawal of consent by one spouse to continuance of separation—Bona fides—Duty of other spouse. **Gallagher v. Gallagher,** C.A. [1965] 1 W.L.R. 1110.

————————————————————Offer to resume cohabitation, by—Nature and essentials of effective offer.
Fraser v. Fraser, Brandon J. [1969] 1 W.L.R. 1787.

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Kemp v. Kemp, Divl.Ct. [1961] 1 W.L.R. 1030.

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W. v. W. (No. 2), Divl.Ct. [1962] P. 49; [1961] 3 W.L.R. 473.

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Hall v. Hall, Divl.Ct. [1962] 1 W.L.R. 478; C.A. [1962] 1 W.L.R. 1246.

Gravity of conduct—Whether test same as that of cruelty—Husband's callousness and lack of consideration for wife's feelings—Whether constructive desertion.
Saunders v. Saunders, Divl.Ct. [1965] P. 499; [1965] 2 W.L.R. 32.

Sexual intercourse, deprivation of—Ejection from matrimonial bedroom—Parting some months afterwards—No injury to health—Cruelty petition rejected—Whether constructive desertion—Whether fresh petition on constructive desertion permissible.
Slon v. Slon, C.A. [1969] P. 122; [1969] 2 W.L.R. 375.

Wife pregnant at time of marriage—Husband not child's father—No nullity proceedings—Whether pregnancy at time of marriage, conduct during marriage—Whether husband had just cause for leaving.
Sullivan v. Sullivan, C.A. [1970] 1 W.L.R. 1008.

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Evidence, giving rise to suspicions—Necessity of giving suspected party opportunity to explain. **Marsden v. Marsden,** Divl.Ct. [1968] P. 544; [1967] 3 W.L.R. 230.

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Adultery as proof—Medical specialist's report that factor present in child's blood absent from blood of husband and wife—Opinion that husband not the father of wife's child—Whether husband just cause to believe wife guilty of adultery.
F. v. F., Rees J. [1968] P. 506; [1968] 2 W.L.R. 190.

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Whether conduct insufficiently grave to amount to cruelty can be relied on as just cause. **Young v. Young,** Divl.Ct. [1964] P. 152; [1962] 3 W.L.R. 946.
Ogden v. Ogden, D.C. and C.A. [1969] 1 W.L.R. 1425.

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Mental instability of deserted party—Whether fear for health of child an answer to allegation of desertion. **G. v. G.,** Divl.Ct. [1964] P. 133; [1964] 2 W.L.R. 250.

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Husband living apart on medical grounds—Cohabitation dangerous to health—Intention to desert. **Tickle v. Tickle,** Divl.Ct. [1968] 1 W.L.R. 937.

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Parties apart—Offer by husband to return on condition of no sexual relations—Whether condition reasonable.
Hutchinson v. Hutchinson, Divl.Ct. [1963] 1 W.L.R. 280.

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Hall v. Hall, Divl.Ct. [1962] 1 W.L.R. 478; C.A. [1962] 1 W.L.R. 1246.

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Brewer v. Brewer, C.A. [1962] P. 69; [1961] 3 W.L.R. 1208.

HUSBAND AND WIFE—*continued.*
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Theobald v. Theobald, Divl.Ct. [1962] 1 W.L.R. 837.

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Pizey v. Pizey and Stephenson, C.A. [1961] P. 101; [1961] 3 W.L.R. 183.

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Tulley v. Tulley, Sir Jocelyn Simon P. [1967] P. 285; [1967] 2 W.L.R. 840.

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Practice Direction (Divorce Decree Absolute: Protection of Children), P.D.A. [1969] 1 W.L.R. 228.

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B. v. B. and F., Stirling J. [1969] P. 37; [1968] 3 W.L.R. 1217.

HUSBAND AND WIFE—*continued.*

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" Child of the family "—*continued.*

" Relevant child "—Whether term includes child concurrently a child of two families —Matrimonial Causes Act, 1965, s. 46 (2) (*b*).
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C. v. C. (Practice Note), Sir Jocelyn Simon P. [1966] 1 W.L.R. 1418.

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Co-respondent ordered to pay " costs incurred and to be incurred "—Child—Summons for custody of—Liability of co-respondent for costs of—Notice to co-respondent of intention to apply for costs—Need for—Matrimonial Causes Rules, 1968, r. 49 (5).
B. v. B. and E. (No. 2), Baker J. [1970] 1 W.L.R. 362.

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Jackson v. Jackson and Pavan, Phillimore J. [1964] P. 25; [1961] 2 W.L.R. 58.

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No notice to husband of intention to apply for costs—Wife's petition successful —Whether husband prejudiced by omission—Whether bar to wife's application for costs—Whether rule of pleading mandatory—Matrimonial Causes Rules, 1957, r. 4 (4) (as amended).
Booth v. Booth, Baker J. [1967] P. 270; [1966] 2 W.L.R. 482.

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Payment of costs by instalments—Jurisdiction of court to order—R.S.C. (Rev. 1965), Ord. 47, r. 1—Matrimonial Causes Rules, 1957, rr. 64 (4), 82.
E. v. E. (Practice Note), Latey J. [1968] 1 W.L.R. 702.

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Casting of bill of costs—Certification of bill and agreement by other side discontinued.
Practice Direction (Divorce Registry: Bill of Costs), P.D.A. [1969] 1 W.L.R. 594.

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Unassisted husband successful against legally-aided wife with nil contribution— —Application by husband for costs out of legal aid fund—Whether statutory conditions complied with—Legal Aid Act, 1964, s. 1.
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HUSBAND AND WIFE—*continued.*

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No ground for practice not to make order against unsuccessful wife petitioner—Discretion of judge—Supreme Court of Judicature (Consolidation) Act, 1925, s. 50 (1).
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C.A. [1968] P. 53; [1968] 2 W.L.R. 155.

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HUSBAND AND WIFE—*continued.*
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Husband granted decree nisi—Wife's application for maintenance dismissed by consent—Wife unaware of terms of consent—Jurisdiction to stay decree absolute.
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Incorporation in decree only where terms liable to variation or enforcement—In other cases order of approval to be placed on court file—Matrimonial Causes Act, 1965, s. 5 (2).
Practice Direction (Decree Nisi: Agreed Terms), P.D.A. [1967] 1 W.L.R. 316.

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Adultery

Knowledge thereof—Separation of parties—All contact between parties lost—Husband living in adultery for many years—Wife without knowledge of adultery until shortly before petition filed—Whether duty on wife to make inquiries about husband's mode of life—Whether delay unreasonable—Matrimonial Causes Act, 1950, s. 4 (2).
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HUSBAND AND WIFE—*continued.*

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Discretion—continued.

Exercise—*continued.*

Legitimation of children of spouse—Importance of taking into consideration—Petition for adultery—Delay—Children by respondent of illicit union—Prospect of legitimation—Important factor in exercise of discretion.
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Principles applicable in deciding between divorce and judicial separation.
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Whether court satisfied of full disclosure of adultery—Same standard of proof as in charge of adultery—Whether prospect of reconciliation—Whether both sides entitled to decree. **Joyce v. Joyce,** C.A. [1966] P. 84; [1966] 2 W.L.R. 660.

Failure to pray for exercise

Denial of adultery by petitioner—Finding of adultery—Exercise of discretion—Facts taken into account.
Cronin v. Cronin and Jones, Wrangham J. [1964] 1 W.L.R. 1308.

————————Petitioner found in previous proceedings to have committed adultery—Denial maintained—No discretion statement—Whether necessary to amend petition—Whether court a discretion to grant decree—Matrimonial Causes Rules, 1957, rr. 4, 28. **Chetwynd-Talbot v. Chetwynd-Talbot,** Ormrod J. [1963] P. 436; [1963] 3 W.L.R. 1.

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Estoppel. See ESTOPPEL.

Evidence. (*See also* EVIDENCE.)

Affidavit

Petitioner's evidence by affidavit at hearing of suit—Affidavit to exhibit copy of petition and depose to its truth.
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Calling for and looking at document in possession of witness—Effect.
Stroud v. Stroud (No. 1), Wrangham J. [1963] 1 W.L.R. 1080.

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Practice Direction (Expedition of Decree Absolute), P.D.A. [1964] 1 W.L.R. 1473.

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Practice Direction (Expedition of Decree Absolute), P.D.A. [1962] 1 W.L.R. 1048.

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Practice Direction (Expedition of Hearing: Undefended Cause), P.D.A. [1965] 1 W.L.R. 339.

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Practice Direction (Divorce Registry Filing System), P.D.A. [1964] 1 W.L.R. 1387.

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Chapman v. Chapman (By his Guardian), Marshall J. [1961] 1 W.L.R. 1481.

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Divorce—*continued.*

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Practice Direction (Service of Petition), P.D.A. [1961] 1 W.L.R. 49.

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Practice Direction (Listing Summonses by Number), P.D.A. [1965] 1 W.L.R. 1068.

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Practice Direction (Summonses: Divorce Registry), P.D.A. [1961] 1 W.L.R. 1171.

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HUSBAND AND WIFE—*continued.*

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Bainbridge v. Bainbridge (Practice Note), Scarman J. [1962] 1 W.L.R. 495.

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Importance of avoiding. **Practice Direction (Divisional Court: Avoidance of Delay),** P.D.A. [1968] 1 W.L.R. 815.

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Practice Direction (Exhibits), P.D.A. [1962] 1 W.L.R. 933.

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Service of notice of appeal—Infant respondent—No guardian ad litem—Matrimonial Causes Rules, 1957, r. 66 (as amended by Matrimonial Causes (Amendment) (No. 2) Rules, 1960). **Clabon v. Clabon (Practice Note),** Divl.Ct. [1961] 1 W.L.R. 1439.

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Practice Direction (Divisional Court: Notes of Evidence), P.D.A. [1964] 1 W.L.R. 1231.

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————Signature to—Necessity for precise statement of findings of fact—Findings as to credibility—Reasons signed by clerk—Impropriety of practice—Matrimonial Causes Rules, 1957, r. 73 (3).
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Arrears of maintenance

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Whether divisible—Legal custody to father—Care and control to mother—Jurisdiction of justices to make divided order custody—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2 (1) (*d*).
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In re **F. (W.) (An Infant)**, Pennycuick J. [1969] 2 Ch. 269; [1969] 3 W.L.R. 206.

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"Child of the family"

Husband entering into marriage knowing child living with wife—Child living in matrimonial home—Husband accepting child—Necessity for spouses to agree that child should be accepted as child of the family—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2 (5). **Dixon v. Dixon**, Divl.Ct. [1968] 1 W.L.R. 167.

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Child, maintenance for—continued.

"Child of the family"—*continued.*

Husband entering into marriage knowing children living with wife—No matrimonial home and no real cohabitation—Desertion by husband—Whether "child of the family"—"Family"—Whether husband "assumed responsibility" for children's maintenance—Consideration of "liability of any person other than a party to the marriage"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2 (1) (5).
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C.A. [1965] P. 450; [1965] 3 W.L.R. 593.

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Unborn child—Child of wife by another man—Husband entering into marriage, expressing willingness to accept the child—Desertion by husband while child still unborn—Whether unborn child "child of the family"—Liability of putative father affecting quantum or maintenance—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, ss. 2 (5), 16 (1).
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Northrop v. Northrop, Divl.Ct. [1968] P. 74; [1966] 3 W.L.R. 1193.
C.A. [1968] P. 74; [1967] 3 W.L.R. 907.

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Baker v. Baker (Practice Note), Divl.Ct. [1961] 1 W.L.R. 1016.

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James v. James, Divl.Ct. [1964] P. 303; [1963] 3 W.L.R. 331.

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Jolliffe v. Jolliffe, Divl.Ct. [1965] P. 6; [1964] 2 W.L.R. 13.

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Maintenance

Adultery by wife

Cohabitation for 10 years with knowledge of adultery—Whether adultery condoned—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2.
Hearn v. Hearn, D.C. [1969] 1 W.L.R. 1832.

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Order that "defendant be no longer bound to cohabit with complainant"—Whether power to make such order—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2 (1) (*a*). **Wall v. Wall,** Divl.Ct. [1968] 1 W.L.R. 306.

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Constructive desertion—Party taken by surprise—Allegation of matrimonial offence—Magistrates' Courts Act, 1952, s. 100 (2).
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Discretion in justices whether to proceed—Considerations relevant to exercise of discretion. **Lanitis v. Lanitis,** D.C. [1970] 1 W.L.R. 503.

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Jolliffe v. Jolliffe, Divl.Ct. [1965] P. 6; [1964] 2 W.L.R. 13.

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Ashley v. Ashley, Divl.Ct. [1968] P. 582; [1965] 3 W.L.R. 1194.

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Means of parties—Discretion of justices to order investigation by probation officer—Conflict of evidence—Magistrates' Courts Act, 1952, s. 60 (1).
Kershaw v. Kershaw, Divl.Ct. [1966] P. 13; [1964] 3 W.L.R. 1143.

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Hudson v. Hudson, Divl.Ct. [1965] 1 W.L.R. 567.

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Kaye v. Kaye, Divl.Ct. [1965] P. 100; [1964] 2 W.L.R. 672.

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Brinkley v. Brinkley, Divl.Ct. [1965] P. 75; [1963] 2 W.L.R. 822.

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Disher v. Disher, Divl.Ct. [1965] P. 31; [1964] 2 W.L.R. 21.
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Briscoe v. Briscoe, Divl.Ct. [1968] P. 501; [1966] 2 W.L.R. 205.

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Gould v. Gould, C.A. [1970] 1 Q.B. 275; [1969] 3 W.L.R. 490.
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"Change in circumstances"—Due to husband's unilateral act—Maintenance Agreements Act, 1957, s. 1 (3). **Ratcliffe v. Ratcliffe,** C.A. [1962] 1 W.L.R. 1455.

————————Principles applicable—Court's jurisdiction to entertain application—Maintenance Agreements Act, 1957, s. 1 (3).
Gorman v. Gorman, C.A. [1964] 1 W.L.R. 1440.

Principles applicable—Maintenance Agreements Act, 1957, s. 1 (3).
K. v. K., Cairns J. and C.A. [1961] 1 W.L.R. 802.

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Maintenance—*continued.*

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Legally aided wife—Husband having ample means—Whether order for security for wife's costs necessary. **Norris v. Norris,** C.A. [1969] 1 W.L.R. 1264.

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Husband living with mistress and running her business—Ability to draw on mistress's bank account—Whether benefits from mistress to be taken into account in determining husband's liability to maintain wife.
Ette v. Ette, Lloyd-Jones J. [1964] 1 W.L.R. 1433.

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Common law position

Matrimonial home

Wife's remedies. **National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,** H.L.(E.) [1965] A.C. 1175; [1965] 3 W.L.R. 1.

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Stead v. Stead, Divl.Ct. [1968] P. 538; [1968] 2 W.L.R. 1269.

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Application for monetary provision

Discovery of documents — Advice that discovery inadequate before appointment for hearing—Duty of solicitors to ask other side for supplementary list—Effect on costs of adjournment of failure to apply to other side.
Practice Direction (Monetary Relief: Discovery), P.D.A. [1966] 1 W.L.R. 1007.

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Matrimonial home

Legal charge—Conveyance of house by husband to a company—Mortgage created by company—Disposition by husband conveying house to company set aside—Whether mortgagee's interest affected—Right of mortgagee to possession—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 2.
National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,
C.A. [1964] Ch. 665; [1964] 3 W.L.R. 463.
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National Provincial Bank Ltd. v. Hastings Car Mart Ltd. (No. 2),
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C.A. [1964] Ch. 665; [1964] 2 W.L.R. 751.

Divorce

Adultery by wife

Whether disentitling wife to maintenance—Matrimonial Causes Act, 1965, s. 16.
Iverson v. Iverson, Latey J. [1967] 1 A.C. 134; [1966] 2 W.L.R. 1168.

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Husband's abandonment of charges in return for wife's withdrawal of maintenance claim—Arrangement approved by court—Decree nisi obtained by wife—Husband's remarriage—Wife's subsequent additional financial commitments—Whether jurisdiction to award wife maintenance—Whether proper to do so—Matrimonial Causes Act, 1965, s. 5 (2). **Wright v. Wright,** C.A. [1970] 1 W.L.R. 1219.

Arrears of maintenance

Children—Order on husband to pay maintenance at specified rate "subject to his continuing to pay school fees"—Failure to pay school fees—Application by wife for five years' arrears of school fees—Jurisdiction to order payment—Whether order proper—Matrimonial Causes Act, 1950, s. 26 (1).
Freeman-Thomas v. Freeman-Thomas, Scarman J. [1963] P. 157; [1963] 2 W.L.R. 107.

Remission—Application for discharge of order—Variation—Nominal order backdated to wife's remarriage—Whether jurisdiction to remit arrears—Matrimonial Causes Act, 1950, s. 28.
MacDonald v. MacDonald, C.A. [1964] P. 1; [1963] 3 W.L.R. 350.

————Maintenance reduced—Application to remit arrears—Whether jurisdiction to remit. **W. v. W. (No. 4),** Scarman J. [1962] P. 131; [1962] 2 W.L.R. 706.

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Children

Child born to wife over nine months after decree absolute—Whether a child "the marriage of whose parents is the subject of the proceedings"—Matrimonial Causes Act, 1950, s. 26 (1).
Knowles v. Knowles, Wrangham J. [1962] P. 161; [1962] 2 W.L.R. 742.

"Child of the family"—Acceptance as—Necessity for knowledge of material facts—Husband maintaining child for five years in wrong belief that his child—Whether "relevant child"—Matrimonial Causes Act, 1965, ss. 34 (1), 46 (2) (*b*).
R. v. R., Park J. [1968] P. 414; [1968] 2 W.L.R. 1468.

————Proof of must be clear and unequivocal—Matrimonial Proceedings (Children) Act, 1958, s. 1.
Holmes v. Holmes, Ormrod J. [1966] 1 W.L.R. 187.

————Children of wife accepted by husband as children of the family—Wife not intending husband to have control over children—Mutuality necessary for acceptance—"Accepted as one of the family"—Matrimonial Causes Rules, 1968, r. 2. **P. v. P.**, Lawton J. [1969] 1 W.L.R. 898.

Children of wife by previous marriage accepted as members of the family by husband—Husband ejected from wife's home after four months—Subsequent adultery by wife—Husband granted decree—Exercise of discretion to award maintenance in respect of children—Matrimonial Causes Act, 1950, s. 26 (1)—Matrimonial Proceedings (Children) Act, 1958, s. 1 (1) (2).
Smith v. Smith and Brown, C.A. [1962] 1 W.L.R. 1218.

Paternity or status in issue—Separate representation—Appointment of Official Solicitor as guardian ad litem—Trial of issue—Matrimonial Causes Rules, 1957, r. 56.
Practice Direction (Children, Paternity or Status in Issue), P.D.A. [1965] 1 W.L.R. 600.

————Matrimonial Causes Rules, 1957, r. 56. **Bickley v. Bickley (Note)**, C.A. [1965] 1 W.L.R. 600.

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Allegation of adultery against wife not pursued in divorce proceedings—Decree—Subsequent maintenance proceedings—Whether husband estopped from subsequently making allegations inconsistent with decree.
Field v. Field, Wrangham J. [1964] P. 336; [1964] 2 W.L.R. 847.

Parties consenting to husband being granted decree—Effect of decree on maintenance for wife—Compassionate allowance for wife—Whether outmoded—Principles on which court exercises discretion to make maintenance order—Matrimonial Causes Act, 1965, s. 16 (1). **Porter v. Porter**, C.A. [1969] 1 W.L.R. 1155.

Wife obtaining divorce on undefended petition for husband's admitted adultery—Application for maintenance—Husband seeking to adduce evidence relating to wife's conduct to oppose maintenance—Whether admissible in ancillary proceedings when not raised in suit—Whether rule of public policy excluding matters relating to conduct of parties where no estoppel per rem judicatam.
Tumath v. Tumath, C.A. [1970] P. 78; [1970] 2 W.L.R. 169.

Wife's deliberate non-disclosure in divorce suit of her own adultery—Effect of non-disclosure on maintenance—Matrimonial Causes Act, 1950, s. 19 (3).
M. v. M., Hewson J. [1962] 1 W.L.R. 845.

Costs

Security—Husband's application for variation of maintenance order—Application by wife for security for costs—Inherent jurisdiction of court to order—Discretion of court previously exercised in respect of wife's adultery—Effect—Wife as able to pay costs as husband—Whether grounds for making order established.
Clear v. Clear (No. 2), Payne J. [1965] P. 21; [1964] 2 W.L.R. 904.

Death of husband

Order for joint lives in favour of wife—Reasonable provision for wife—Commencement of—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 3.
Askew v. Askew, Marshall J. [1961] 1 W.L.R. 725.

Disposition by husband to defeat wife's claim

Foreign trust—Application by wife to set aside disposition—Service of notice of application on foreign national resident and domiciled abroad—Whether service valid—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 2.
Wyler v. Lyons, Sir Jocelyn Simon P. [1963] P. 274; [1963] 2 W.L.R. 610.

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Maintenance—*continued.*

Divorce—continued.

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Garnishee proceedings — Retrospective time limit — Practice of Divorce Division — Discretion of court. **Luscombe v. Luscombe,** C.A. [1962] 1 W.L.R. 313.

Foreign resident, against

Wife's petition for divorce in England—Interim maintenance order for child against husband domiciled in France—Suit contested by husband—French courts no power to order maintenance—Husband no assets in England—Probability that husband coming to England to contest suit—Whether jurisdiction to order maintenance—Whether discretion to accept jurisdiction should be exercised—Matrimonial Causes Act, 1950, s. 26 (1).
Cammell v. Cammell, Scarman J. [1965] P. 467; [1964] 3 W.L.R. 791.

Garnishee

Jurisdiction to order.
W. v. W., Phillimore J. and C.A. [1961] P. 113; [1961] 2 W.L.R. 878.

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Husband's modest capital—Award of one-half—Whether proper—Matrimonial Causes Act, 1965, s. 16 (1). **von Mehren v. von Mehren,** C.A. [1970] 1 W.L.R. 56.

Quantum—Assessment—Principles applicable to—Contumacious husband unlikely to satisfy order for periodic payments—Whether judge entitled to "capitalise" periodic payments in form of lump sum award enforceable as bankruptcy debt—Whether ratio between total fortune of husband and lump sum to be awarded exists—Matrimonial home—Position in relation to—Whether should be dominant feature in calculation of lump sum to be awarded—Matrimonial Causes Act, 1965 s. 16 (1) (*c*). **Curtis v. Curtis,** C.A. [1969] 1 W.L.R. 422.

——————————Whether alternative or additional to award by way of periodic maintenance—Whether limited to specific purpose—Considerations to be taken into account—Wealthy husband living substantially on capital—Comparatively small income—Assets liable to be removed by him from jurisdiction—Possibility of his going to live abroad—Appropriateness of lump sum award—Periodic maintenance—Quantum assessment—Jewish parties—Husband's refusal to obtain gett to enable wife to remarry—Whether to be taken into account —Matrimonial Causes Act, 1965, s. 16 (1).
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Matrimonial home

Link between maintenance and property—Whether Chancery or Divorce Division appropriate forum for dispute—Matrimonial Causes Act, 1965, ss. 16 (1), 17 (1).
Gissing v. Gissing, C.A. [1969] 2 Ch. 85; [1969] 2 W.L.R. 525.

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Remarriage of wife not disclosed—Whether court has jurisdiction to order repayment of maintenance paid since remarriage—Meaning of "vary"—Matrimonial Causes Act, 1950, s. 28.
Young v. Young (No. 2), Karminski J. [1962] P. 218; [1961] 3 W.L.R. 1041.

Quantum

Principles of assessment—Mental and physical resources—Rate of current expenditure.
W. v. W. (No. 3), Scarman J. [1962] P. 124; [1962] 2 W.L.R. 700.

Remarriage of wife

Application by husband to vary—Wife having custody of child of first marriage—Matrimonial Causes Act, 1950, s. 19.
Kirke v. Kirke, Scarman J. [1961] 1 W.L.R. 1411.

Secured provision

No prayer for secured provision in petition—Whether court debarred from giving leave after decree nisi to add prayer for secured provision—Matrimonial home sole asset of respondent—Order for unsecurred maintenance on basis of wife remaining in home—Order silent as to secured provision—Subsequent steps by respondent to turn wife out of home—Fresh summons by wife for provision secured on home —Whether res judicata—Whether sufficient change in circumstances to reopen claim for secured provision—Matrimonial Causes Act, 1950, s. 19—Matrimonial Causes Rules, 1957, rr. 3 (3), 15, 44 (1).
Aggett v. Aggett, C.A. [1962] 1 W.L.R. 183.

HUSBAND AND WIFE—*continued.*

Maintenance—*continued.*

Divorce—continued.

Secured provision—*continued.*

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Successive applications

Consent summons—Wife's prayer for maintenance dismissed on lump sum payment by husband—Agreement sanctioned by the court—New Act enlarging time during which power of court to order maintenance exercisable—Subsequent application by wife—Jurisdiction of court—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 1. **L. v. L.**, Marshall J. [1961] 3 W.L.R. 544. C.A. [1962] P. 101; [1961] 3 W.L.R. 1182.

Tax provision

"£200 per annum less tax"—Wife owing debt to husband—Order that debt be set off by instalments not exceeding such amount as may be agreed or awarded to wife by way of maintenance—Maintenance order for "£200 a year less tax"—Tax deduction certificates for £85 supplied annually by husband to wife—Wife entitled only to set off annual instalments of £115—Income Tax Act, 1952, s. 169 (1) (*d*). **Butler v. Butler,** C.A. [1961] P. 33; [1961] 2 W.L.R. 397.

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Application several years after decree—No prayer for maintenance in petition—Decree made absolute in 1946—Matrimonial Causes Act, 1950, s. 19—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 1—Matrimonial Causes Rules 1944, rr. 3 (2), 4, 44 (1)—Matrimonial Causes Rules, 1957, rr. 3 (3 (ii), 4 (4), 44 (1) (as amended by Matrimonial Causes (Amendment) Rules, 1958, r. 12). **Eaketts v. Eaketts (Practice Note)**, Marshall J. [1961] 1 W.L.R. 66.

Time bar for application

No prayer in pleadings for maintenance for children—Application thereafter—Whether leave necessary—Matrimonial Causes Act, 1950, s. 26 (1)—Matrimonial Causes Rules, 1957 (as amended by Matrimonial Causes (Amendment) Rules, 1958, rr. 3 (3) (ii), 43 (3)). **Bancroft v. Bancroft,** C.A. [1963] P. 355; [1963] 2 W.L.R. 309.

Time for application

Application 20 years after decree—No prayer for ancilliary relief in petition—Former wife on national assistance—Former husband in affluent circumstances—Leave to apply granted without consideration of wife's affidavit evidence—Refusal to husband of adjournment to permit reply to allegations in wife's affidavit—Whether proper exercise of discretion to grant leave—Matrimonial Causes Act, 1965, s. 29 (1) (*b*). **Boyd v. Boyd,** C.A. [1967] 1 W.L.R. 122.

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Variation. (*See also* Modification order.)

Adultery by wife—Care and control of children given to wife—Whether wife entitled to maintenance—Correct approach—Maintenance to be calculated on bare subsistence basis. **Milliken-Smith v. Milliken-Smith,** C.A. [1970] 1 W.L.R. 973.

Consent order—No change in circumstances—Application by husband to vary consent order—Consent given through mistake—Whether power to vary—Matrimonial Causes Act, 1965, s. 31. **Brister v. Brister,** Ormrod J. [1970] 1 W.L.R. 664.

————————————Application by husband to vary consent order for maintenance—Whether power to vary—Matrimonial Causes Act, 1965, s. 31. **Wilkins v. Wilkins,** Baker J. [1969] 1 W.L.R. 922.

Unchastity of former wife—Consent order for maintenance—Increase in husband's means—Application by wife to vary consent order—Objection to variation based on wife's misconduct after termination of marriage—Untruths in wife's affidavit—Exercise of discretion to vary maintenance—Matrimonial Causes Act, 1950, s. 28 (3). **Medlicott v. Medlicott,** C.A. [1962] 1 W.L.R. 136.

Variation of maintenance order—Court's duty—Whether previous order should be taken as starting point—Matrimonial Causes Act, 1950, s. 28. **Foster v. Foster (Note),** C.A. [1964] 1 W.L.R. 1155.

HUSBAND AND WIFE—*continued.*

Maintenance—*continued.*

Divorce—continued.

Variation—*continued.*

Variation of maintenance order—Whether previous order should be taken as starting point—Consent order—Made on basis of income disclosed by husband—Full and frank disclosure not made—Whether matter at large as result—Whether agreed ratio of maintenance to income still relevant—Whether court entitled to draw adverse inference as to husband's income—Part of income invested in purchase of flat occupied by husband—Whether investment may be taken into account as notional income. **Payne v. Payne,** C.A. [1968] 1 W.L.R. 390.

Enforcement

Attachment of earnings order

Effect—Divorce—Arrears of maintenance—Pension payable to husband—Whether discretionary payments earnings—" Fall to be paid "—Maintenance Orders Act, 1958, ss. 6 (1), 12 (1). **Edmonds v. Edmonds,** Sir Jocelyn Simon P. [1965] 1 W.L.R. 58.

" Person entitled to receive payments under a maintenance order "—Maintenance Orders Act, 1958, s. 6.
Sammy-Joe v. G.P.O. Mount Pleasant Office, Pennycuick J. [1967] 1 W.L.R. 370.

Procedure

Addresses—Disclosure by Government Departments—National Health Service Central Register available for inspection—Applications for disclosure from Ministry of Health and Ministry of Pensions and National Insurance records—Particulars required.
Practice Direction (Disclosure of Addresses) (No. 2), P.D.A. [1965] 1 W.L.R. 1067.

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Disappearance of husband.
In re **Wilson, decd.,** Ungoed-Thomas J. [1964] 1 W.L.R. 214.

Use of husband's funds sequestered for separate contempt of court to pay off arrears of maintenance.
Romilly v. Romilly, Scarman J. [1964] P. 22; [1963] 3 W.L.R. 732.

High Court

Adultery by wife

Submission of no case—Adultery, allegation by husband—Intervention by alleged adulterer—Submission of " no case " by intervener—Whether counsel for intervener entitled to submit " no case " before electing whether to call evidence—Matrimonial Causes Act, 1957, ss. 5, 23—Matrimonial Causes Rules, 1950, r. 58 (7).
Holzer v. Holzer and Morley, Baker J. [1964] 1 W.L.R. 1478.

Wilful neglect to maintain—Variation—High Court maintenance order—Subsequent adultery by wife—Effect—Whether common law doctrine inapplicable—Matrimonial Causes Act, 1950, ss. 23, 28.
Spence v. Spence, Lloyd-Jones J. [1965] P. 140; [1964] 3 W.L.R. 1115.

Divorce

Husband complying with justices' order for maintenance but planning to leave jurisdiction—Wife's application for secured provision on ground of change of circumstances—Whether change of circumstances other than financial ground for alleging wilful neglect to maintain while justices' order in force and complied with—Matrimonial Causes Act, 1965, ss. 22, 32.
Baynham v. Baynham, C.A. [1968] 1 W.L.R. 1890.

Judgment summons

Service—Power to direct substituted service—R.S.C., Ord. 65, r. 4—Matrimonial Causes Rules, 1968, rr. 3, 87 (5).
Nutkins v. Nutkins (Brown cited), Dunn J. [1970] 1 W.L.R. 1215.

Originating summons

Submission of no case—Application by wife for maintenance on ground of husband's wilful neglect to maintain—Affidavits sworn by both parties read to court—Whether husband entitled to submit " no case "—Whether wife entitled to cross-examine husband on his affidavit—Matrimonial Causes Rules, 1957, r. 58 (17).
Lindwall v. Lindwall, C.A. [1967] 1 W.L.R. 143.

Periodical payments

Power to secure for joint lives only—Part of husband's capital made over to mistress—Whether payments should be secured—Matrimonial Causes Act, 1950, s. 23 (2).
Williams v. Williams, C.A. [1965] P. 125; [1964] 3 W.L.R. 832.

Quantum

Child of former marriage educated at boarding school—Whether cost of his education and maintenance a prior charge on husband's income—Matrimonial Causes Act, 1950, s. 23 (1). **Williams v. Williams,** C.A. [1965] P. 125; [1964] 3 W.L.R. 832.

HUSBAND AND WIFE—*continued.*

Maintenance—*continued.*

High Court—*continued.*

Quantum—*continued.*

Principles of assessment—Expenditure of both spouses on education of children by former marriages—Whether wife can deduct such educational expenses from available income—Matrimonial Causes Act, 1950, s. 23.
P. (J. R.) v. P. (G. L.), Baker J. [1966] 1 W.L.R. 778.

Rehearing

Wilful neglect found—No error of law alleged—Husband not present or represented at hearing—Whether proceeding a "cause"—Whether application for rehearing properly made to Divisional Court—Matrimonial Causes Rules, 1957, r. 36 (1).
Kosianowski-Lorenz v. Kosianowski-Lorenz, Divl.Ct. [1964] P. 351; [1964] 2 W.L.R. 993.

Income tax. See Revenue (**Income tax**; *Annual payment*).

Judicial separation

Lump sum award

Husband commuting part of pension for capital sum—Deliberate and voluntary act reducing income out of which annual maintenance to be paid to wife—Whether wife entitled to lump sum award—Quantum—Wife generously provided for by order for annual maintenance—Repairs needed to house in which living—Whether annual maintenance should be varied if lump sum payment ordered—Matrimonial Causes Act, 1965, s. 16 (1). **Hakluytt v. Hakluytt,** C.A. [1968] 1 W.L.R. 1145.

Wilful neglect to maintain

Order for permanent alimony in force—Jurisdiction to order secured payments—Matrimonial Causes Act, 1950, s. 23.
Hodges v. Hodges, Baker J. [1963] P. 201; [1963] 2 W.L.R. 192.

Justices. See **Justices.**

National assistance

Polygamous marriage

Wife in receipt of national assistance—Whether husband liable to maintain "wife"—National Assistance Act, 1948, ss. 42 (1) (*a*), 43 (1).
Imam Din v. National Assistance Board, Divl.Ct. [1967] 2 Q.B. 213; [1967] 2 W.L.R. 257.

Quantum. See Benefits from mistress; *Divorce*; *High Court*; **Justices.**

Taxation. See Revenue (**Income tax**; *Annual payment*).

Wilful neglect to maintain

Child

Wife in desertion—Whether power to make order on wife's complaint for maintenance of children—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, ss. 1 (1), 4 (1). **Vaughan v. Vaughan,** Divl.Ct. [1965] P. 15; [1963] 3 W.L.R. 964.

Wilful neglect to maintain child—Wife in desertion—Whether power to make order for maintenance of wife—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, ss. 1, 2. **Young v. Young,** Divl.Ct. [1964] P. 152; [1962] 3 W.L.R. 946.

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Marriage not subsisting at time of hearing—Maintenance application by wife—Marriage terminated by foreign decree between issue of summons and date of hearing—Jurisdiction court—Matrimonial Causes Act, 1965, s. 22.
Turczak v. Turczak, Lloyd-Jones J. [1970] P. 198; [1969] 3 W.L.R. 1046.

Maintenance application by wife

Husband excluded from matrimonial home—Injunction restraining wife—Whether injunction granted in "cause or matter" before the court—Whether incidental to such cause—Whether necessary for protection of husband's person or property—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45—R.S.C., Ord. 29, r. 1—Matrimonial Causes Act, 1965, s. 22.
Des Salles d'Epinoix v. Des Salles d'Epinoix, C.A. [1967] 1 W.L.R. 553.

Residence together of parties

Spouses residing in same house but living separately—Whether deserting wife entitled to order for wilful neglect of herself or children—Summary Jurisdiction (Married Women) Act, 1895, ss. 4, 6—Summary Jurisdiction (Separation and Maintenance) Act, 1925, s. 1 (4).
Naylor v. Naylor, Divl.Ct. [1962] P. 253; [1961] 2 W.L.R. 751.

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Marriage

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Padolecchia v. Padolecchia (orse. Leis), Sir Jocelyn Simon P. [1968] P. 314; [1968] 2 W.L.R. 173.

" Lawful impediment "

Meaning—Normal rule—Parties domiciled abroad not free to marry under law of their domicile—Whether normally lawful impediment to marriage in England—Foreign lex domicilii different from English law—Unattractiveness of foreign law—Divorced husband not free to marry but former wife remarried—Whether exception provided to normal rule of existence of lawful impediment—Marriage Act, 1949, s. 32 (2) (*a*).
Reg. v. Brentwood Superintendent Registrar of Marriages, *Ex parte* **Arias,** D.C. [1968] 2 Q.B. 956; [1968] 3 W.L.R. 531.

" Unsound mind "

Test of—" Unfitted for marriage "—Meaning of—" Attacks of insanity "—Meaning of—Matrimonial Causes Act, 1965, s. 9 (1) (*b*).
Bennett v. Bennett, Ormrod J. [1969] 1 W.L.R. 430.

Whether doubtful prior marriage subsisting at celebration of existing marriage

Burden of proof—Whether on petitioner to prove doubtful prior marriage invalid—Presumption of legality of existing marriage.
Taylor v. Taylor, Cairns J. [1967] P. 25; [1965] 2 W.L.R. 779.

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Definition of—Wife registered as male at birth—Operation for amputation of male genitalia and provision of artificial vagina—Thereafter lived as female—Whether capable of being woman for purposes of marrying.
Corbett v. Corbett (orse. Ashley), Ormrod J. [1970] 2 W.L.R. 1306.

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English marriage—Foreign divorce decree—Petition seeking declaration that marriage still valid and subsisting—Petitioner domiciled abroad if marriage valid—Court's jurisdiction not affected by form of petition—Whether petitioner's de facto English domicile sufficient—No substantive relief sought—Whether matrimonial proceeding —" Jurisdiction "—Meaning—R.S.C., Ord. 15, r. 17.
Garthwaite v. Garthwaite, Ormrod J. [1964] P. 356; [1964] 2 W.L.R. 531.
C.A. [1964] P. 356; [1964] 2 W.L.R. 1108.

Extent of validity—Matrimonial Causes Act, 1965, s. 39.
Aldrich v. Attorney-General (Rogers Intervening), Ormrod J. [1968] P. 281; [1968] 2 W.L.R. 413.

Venue—Prayer for declaration of validity of marriage or foreign decree—Not a matrimonial cause within jurisdiction of special commissioner—Hearing to be directed to be in London by judge of Probate, Divorce and Admiralty Division—Supreme Court of Judicature (Consolidation) Act, 1925, s. 225.
Practice Direction (Matrimonial Causes: Declaration of Validity), P.D.A. [1966] 1 W.L.R. 56.

Validity of foreign decree of divorce, dependent on

Right of first spouse to be heard—Necessity for service of petition on first spouse.
Kunstler v. Kunstler, Baker J. [1969] 1 W.L.R. 1506.

Duress

Fear of imprisonment

Ceremony void for want of consent. **Buckland v. Buckland (orse. Camilleri),** Scarman J. [1968] P. 296; [1967] 2 W.L.R. 1506.

Foreign marriage, validity

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Consanguinity—Marriage between uncle and niece—Valid by religious law and law of domicile at inception—Whether null and void in England.
Cheni (orse. Rodriguez) v. Cheni, Sir Jocelyn Simon P. [1965] P. 85; [1963] 2 W.L.R. 17.

Common law marriage

Formalities not in compliance with lex loci celebrationis—Husband member of Polish armed forces—Wife Italian national—Ceremony performed by civilian priest in civilian refugee camp—Deliberate submission to local law—Whether common law marriage. **Lazarewicz (orse. Fadanelli) v. Lazarewicz,** Phillimore J. [1962] P. 171; [1962] 2 W.L.R. 933.

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Foreign marriage, validity—continued.
Common law marriage—*continued.*
Formalities not in compliance with lex loci celebrationis—Marriage between members of army of occupation—Marriage celebrated within lines of army—Whether common law marriage.
Merker v. Merker, Sir Jocelyn Simon P. [1963] P. 283; [1962] 3 W.L.R. 1389.

————————Marriage of two Poles in Germany celebrated by episcopally ordained clergyman—Soldier husband not member of, but associated with, forces in belligerent occupation of locus celebrationis.
Preston (orse. Putynski) v. Preston (orse. Putynska) (orse. Basinska),
Cairns J. [1963] P. 141; [1962] 3 W.L.R. 1401.
C.A. [1963] P. 411; [1963] 2 W.L.R. 1435.

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Breen (orse. Smith) v. Breen, Karminski J. [1964] P. 144; [1961] 3 W.L.R. 900.

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Ceylon—Registration—Effect of—Presumption of validity—Marriages (General) Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 95), ss. 22–25, 31, 33–35, 39.
Mahadervan v. Mahadervan, Divl.Ct. [1964] P. 233; [1963] 2 W.L.R. 271.

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Petition for declaration that marriage valid—Petitioner British subject—Jurisdiction—Foreign Marriage Act, 1892—Matrimonial Causes Act, 1965, s. 39—R.S.C. (Rev. 1965), Ord. 15, r. 16.
Collett v. Collett, Ormrod J. [1968] P. 482; [1967] 3 W.L.R. 280.

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Chinese customary marriage—Whether monogamous or polygamous to be determined according to English law.
Lee v. Lau, Cairns J. [1967] P. 14; [1964] 3 W.L.R. 750.

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Colonial or Commonwealth Enactment—Evidence (Foreign, Dominion and Colonial Documents) Act, 1933—Evidence (Colonial Statutes) Act, 1907—Pakistan—Indian Christian Marriage Act, 1872, ss. 30, 80.
Jasiewicz v. Jasiewicz, Cairns J. [1962] 1 W.L.R. 1426.
Eire. **Todd v. Todd,** Wrangham J. [1961] 1 W.L.R. 951.

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Mistake as to nature of ceremony
Monogamous marriage believed to be polygamous—Whether consent vitiated.
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Ormrod J. [1962] P. 224; [1962] 3 W.L.R. 865.

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Divorce jurisdiction
Marriage polygamous at inception—Change of husband's domicile from polygamous to monogamous system—Whether marriage monogamous after change of domicile—Jurisdiction of English court—Whether jurisdiction over alleged matrimonial offences committed before and after change of domicile.
Ali v. Ali, Cumming-Bruce J. [1968] P. 564; [1966] 2 W.L.R. 620.

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Marriage in India—Polygamous—Marriage contract providing dower payable to wife on divorce—Right enforceable by civil action under Mohammedan law—Parties divorced—Whether dower recoverable in English courts—Whether matrimonial relief—Whether policy of law contravened.
Shahnaz v. Rizwan, Winn J. [1965] 1 Q.B. 390; [1964] 3 W.L.R. 759.

Effect of polygamous marriage
Mistake as to effect—Monogamous marriage believed polygamous.
Kassim (orse. Widmann) v. Kassim (orse. Hassim) (Carl and Dickson cited),
Ormrod J. [1962] P. 224; [1962] 3 W.L.R. 865.

Whether breach of Marriage Act, 1949, s. 75 (2) (*a*).
Reg. v. Bham, C.C.A. [1966] 1 Q.B. 159; [1965] 3 W.L.R. 696.

Husband's duty to " wife " and children
National Assistance Act, 1948.
Imam Din v. National Assistance Board, Divl.Ct. [1967] 2 Q.B. 213;
[1967] 2 W.L.R. 257.

HUSBAND AND WIFE—*continued.*
Marriage—*continued.*
Polygamous system—continued.
Legislation

Potentially polygamous marriage—Whether rendered monogamous by subsequent legislation—Consideration of Hindu Marriage Act, 1955—India.
Parkasho v. Singh, Divl.Ct. [1968] P. 233; [1967] 2 W.L.R. 946.

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Inapplicability of English matrimonial law—Justices—Maintenance application.
Sowa v. Sowa, C.A. [1961] P. 70; [1961] 2 W.L.R. 313.

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Christian marriage in Ceylon—Subsequent conversion of husband to Muslim faith—Polygamous marriage while first marriage subsisting—Valid—Ceylon.
Attorney-General of Ceylon v. Reid, P.C. [1965] A.C. 720; [1965] 2 W.L.R. 671.

Marriage in England to Mohammedan husband domiciled in Egypt—Whether Talak divorce valid to dissolve English marriage.
Russ (orse. Geffers) v. Russ (Russ orse. De Waele Intervening),
Scarman J. [1963] P. 87; [1962] 2 W.L.R. 708.
C.A. [1964] P. 315; [1962] 3 W.L.R. 930.

Nullity jurisdiction

Marriage polygamous at inception but monogamous at commencement of proceedings—Jurisdiction of English court. **Cheni (orse. Rodriguez) v. Cheni,**
Sir Jocelyn Simon P. [1965] P. 85; [1963] 2 W.L.R. 17.

Polygamous marriage

Validity—Recognition—Status—Wife aged 13 of husband aged 26—Whether status as wife of husband recognised.
Alhaji Mohamed v. Knott, Divl.Ct. [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446.

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"Natural justice, equity and good conscience"—Test of monogamous principles inapt—Nigeria. **Dawodu v. Danmole,** P.C. [1962] 1 W.L.R. 1053.

Succession to personal property—Marriage valid in locus domicili—Death of first wife—Marriage to second wife under native law Ghana.
Coleman v. Shang, P.C. [1961] A.C. 481; [1961] 2 W.L.R. 562.

Validity
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Validity unless annulled at suit of party to it.
Choppy v. Bibi, P.C. [1967] 1 A.C. 158; [1966] 2 W.L.R. 711.

Matrimonial home. (*See also* **Act of 1882, s. 17.**)
Act of 1967, s. 1
Jurisdiction

Joint ownership of matrimonial home—Order for husband to leave—Whether jurisdiction to make—"Rights of occupation"—Matrimonial Homes Act, 1967, ss. 1 (1) (2) (3) (8), 2 (1), 5 (1), 6 (1).
Gurasz v. Gurasz, C.A. [1970] P. 11; [1969] 3 W.L.R. 482.

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Appeal from—Whether to judge in chambers or Court of Appeal—R.S.C., Ord. 58, r. 1.
Tinker v. Tinker (Roberts cited), Sir Jocelyn Simon P. [1970] 1 W.L.R. 1609.

Jurisdiction—Order for husband to leave—Whether jurisdiction to make—Right to occupy—"Rights of occupation."
Maynard v. Maynard, Baker J. [1969] P. 88; [1969] 2 W.L.R. 22.

Procedure—Application for order under section 1 may be heard by a registrar—Matrimonial Homes Act, 1967, s. 1—R.S.C. (Rev. 1965), Ord. 32, r. 11; Ord. 89.
Practice Direction (Matrimonial Homes Act, 1967, s. 1: Practice),
P.D.A. [1968] 1 W.L.R. 772.

Transfer to wife of statutory tenancy—Whether taking effect from decree absolute—Injunction to restrain husband from continuing to reside in home—Power of court to grant before decree absolute—Power of registrar to grant—Molestations and violence—Whether inherent jurisdiction to grant injunction—"Estate" of tenant—Whether entitled to injunction to prevent threatened trespass to future estate—Matrimonial Homes Act, 1967, ss. 1 (1) (2) (3), 7 (1) (3)—Matrimonial Causes Rules, 1957, r. 77 (*a*)—Matrimonial Causes Rules, 1968, r. 104 (1)—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45 (3).
Maynard v. Maynard, Baker J. [1969] P. 88; [1969] 2 W.L.R. 22.

HUSBAND AND WIFE—*continued.*

Matrimonial home—*continued.*

Desertion by husband

Bankruptcy of husband

Undertaking by husband by consent in maintenance proceedings not to dispose of matrimonial home—Husband bankrupt—Application by trustee in bankruptcy to sell matrimonial home—Husband and wife trustees for sale—Whether wife's interest binding on trustee in bankruptcy—Discretion of court to order sale—Bankruptcy Act, 1914, s. 105. *In re* **Solomon, A Bankrupt,** *Ex parte* **Trustee of the Property of the Bankrupt v. Solomon,** Goff J. [1967] Ch. 573; [1967] 2 W.L.R. 172.

Mortgage prior to desertion

Class F charge registered—Possession sought by mortgagees—Wife not party to proceedings—Order for possession—Wife's right to be joined as party to proceedings—Matrimonial Homes Act, 1967, ss. 1 (1) (5), 2 (6). **Hastings and Thanet Building Society v. Goddard,** Foster J. [1970] 1 W.L.R. 1242.

Wife left in occupation—Husband's failure to pay instalments unknown to wife—Possession sought by mortgagees—Wife not party to proceedings—Order for possession—Whether any right in wife to be joined as party to proceedings—Matrimonial Homes Act, 1967, s. 1 (5). **Hastings and Thanet Building Society v. Goddard,** C.A. [1970] 1 W.L.R. 1544.

Wife in occupation—Possession sought by mortgagees—Wife not party to proceedings—Order for possession—Wife seeking to set order aside—Wife joined as defendant—Whether wife being in occupation but not having an independent right against mortgagees entitled to have order set aside. **Brighton and Shoreham Building Society v. Hollingdale,** Pennycuick J. [1965] 1 W.L.R. 376.

Mortgage subsequently

Wife in occupation—Registered land—Whether wife's right an overriding interest—Land Registration Act, 1925, s. 70 (1) (*g*).
National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,
C.A. [1964] Ch. 665; [1964] 2 W.L.R. 751.
H.L.(E.) [1965] A.C. 1175; [1965] 3 W.L.R. 1.

——————Wife's overriding interest—Exercise of discretion as to order for possession. **National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,** C.A. [1964] Ch. 665; [1964] 3 W.L.R. 463.

Wife's equitable interest

Matrimonial home put in husband's sole name in breach of agreement to put it in joint names as joint tenants—Husband and wife banking at same bank—Mortgages to bank by husband without wife's knowledge, prior to withdrawal by husband from matrimonial home—Husband's bankruptcy—Whether bank had constructive notice of wife's equitable interest—Order of priorities—Law of Property Act, 1925, ss. 87 (1), 199 (1) (2). **Caunce v. Caunce,** Stamp J. [1969] 1 W.L.R. 286.

Wife's right to a home

Injunction against sale by husband—Non-cohabitation clause in maintenance order on ground of adultery—Whether jurisdiction to grant injunction—Married Women's Property Act, 1882, s. 17. **Halden v. Halden,** C.A. [1966] 1 W.L.R. 1481.

Desertion by wife

Sale of home

House owned jointly in equal shares on trust for sale—Application by wife for order for sale—Husband in occupation—Whether a post nuptial settlement—Whether order should be made—Married Women's Property Act, 1882, s. 17—Matrimonial Causes (Property and Maintenance) Act, 1958, s. 7 (7). **Rawlings v. Rawlings,** C.A. [1964] P. 398; [1964] 3 W.L.R. 294.

Disposition to avoid maintenance. See MAINTENANCE.

Divorce

Ownership of house

House purchased in husband's name—Interest in house claimed by wife—Whether wife's contribution gave her a beneficial interest or a share therein—Law of Property Act, 1925, s. 53 (1). **Gissing v. Gissing,** H.L.(E.) [1970] 3 W.L.R. 255.

House purchased in sole name of husband with a building society mortgage—Wife's earnings applied to paying household expenses—Parties divorced—Interest claimed by wife in house—Factors to be considered on determining parties' rights in the house. **Allen v. Allen,** C.A. [1961] 1 W.L.R. 1186.

House purchased in wife's name—Husband's contributions in money and money's worth—Extent of husband's interest in property—Married Women's Property Act, 1882, s. 17. **Falconer v. Falconer,** C.A. [1970] 1 W.L.R. 1333.

HUSBAND AND WIFE—*continued.*

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Sale of home

House in wife's name—Husband left in occupation—Divorce proceedings pending—Application by wife for order for sale—Court's discretion whether or not to order sale—Married Women's Property Act, 1882, s. 17.
Appleton v. Appleton, C.A. [1965] 1 W.L.R. 25.

Title to family asset

House purchased in husband's name—Joint venture and contributions—Whether wife making substantial contribution—" Palm Tree " justice—Whether joint beneficial interest — Whether Chancery or Divorce Division appropriate forum — Married Women's Property Act, 1882, s. 17—Law of Property Act, 1925, s. 53 (1).
Gissing v. Gissing, C.A. [1969] 2 Ch. 85; [1969] 2 W.L.R. 525.

Wife's rights of occupation

Wife out of occupation—Divorce proceedings pending—Husband planning to leave jurisdiction—Power in court to make interim order permitting wife to occupy home without going into merits—Matrimonial Homes Act, 1967, ss. 1 (1) (*b*), 2 (6).
Baynham v. Baynham, C.A. [1968] 1 W.L.R. 1890.

Judicial separation

Decree

Parties continuing to live in council flat of which husband the tenant—Injunction granted to restrain husband from molesting wife—Whether jurisdiction to grant injunction excluding husband from flat—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45.
Montgomery v. Montgomery, Ormrod J. [1965] P. 46; [1964] 2 W.L.R. 1036.

Purchase before marriage

Guilty wife

Future wife contributing cash to original purchase—Balance of price on mortgage in future husband's name—House conveyed to husband—House maintained by joint efforts during marriage—Divorce on ground of wife's adultery—Whether guilty wife entitled to share equally in profit on sale of house—Matrimonial Causes Act, 1965, s. 17 (1) (2). **Ulrich v. Ulrich and Felton,** C.A. [1968] 1 W.L.R. 180.

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Pendente lite

Pendency of legal aid certificate for proceedings in Divorce Division—Costs of registration allowed in legal aid taxation—Matrimonial Homes Act, 1967, s. 2 (6) (7). **Practice Direction (Matrimonial Homes: Registration of Charge),** P.D.A. [1968] 1 W.L.R. 365.

Separation

Adverse disposition to disadvantage of occupying spouse

Precautionary registration of notice or caution—Need for.
Miles v. Bull, Megarry J. [1969] 1 Q.B. 258; [1968] 3 W.L.R. 1090.

Purchaser acquiring property with notice of wife's occupation—Whether transaction a sham—Wife's interest not registered—Whether constructive trust arising out of purchaser's knowledge of her occupation—Whether unconscionable to allow wife to be evicted—Land Registration Act, 1925, s. 10 (1)—Matrimonial Homes Act, 1967, s. 2 (7). **Miles v. Bull (No. 2),** Bridge J. [1969] 3 All E.R. 1585.

Husband's right of occupation

Husband out of occupation—Gift of matrimonial home by husband to wife—Husband's right to register Class F land charge—Land Registration Act, 1925, s. 10 (1)—Matrimonial Homes Act, 1967, s. 1 (1) (*b*).
Rutherford v. Rutherford, Foster J. [1970] 1 W.L.R. 1479.

Wife's right to occupy

Nature of court's protection

Joint ownership of home—Wife forced to leave—Whether remedy available.
Gurasz v. Gurasz, C.A. [1970] P. 11; [1969] 3 W.L.R. 482.

Non-cohabitation clause

Wilful neglect to maintain child

Wife in desertion

Whether non-cohabitation clause appropriate in order.
Vaughan v. Vaughan, Divl.Ct. [1965] P. 15; [1963] 3 W.L.R. 964.

Nullity

Ancillary relief. See **Divorce.**

Appeal. See **Divorce.**

HUSBAND AND WIFE—*continued.*

Nullity—*continued.*

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Incapacity of petitioning husband

Whether entitled to relief—Wishes and interests of wife.
Pettit v. Pettit, C.A. [1963] P. 177; [1962] 3 W.L.R. 919.

Consummation

Male wife

Biological male, registered as male at birth — Operation for amputation of male genitalia and provision of artificial vagina—Thereafter lived as a female—Whether a woman for purposes of marriage—Whether capable of consummating marriage.
Corbett v. Corbett (orse. Ashley), Ormrod J. [1970] 2 W.L.R. 1306.

Meaning

Penetration for short time without emission — Whether "ordinary and complete intercourse." **W. (orse. K.) v. W.**, Brandon J. [1967] 1 W.L.R. 1554.

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Declaration of nullity

Form—Void marriage ceremony.
Kassim (orse. Widmann) v. Kassim (orse. Hassim) (Carl and Dickson cited), Ormrod J. [1962] P. 224; [1962] 3 W.L.R. 865.

Marriage void—Wife a biological male—Whether discretion in court to make declaratory order.
Corbett v. Corbett (orse. Ashley), Ormrod J. [1970] 2 W.L.R. 1306.

Estoppel. See ESTOPPEL.

Foreign decree, validity

Domicile

Voidable marriage—Common domicile in foreign jurisdiction—Void marriage—Husband petitioner's domicile in foreign jurisdiction.
Lepre v. Lepre, Sir Jocelyn Simon P. [1965] P. 52; [1963] 2 W.L.R. 735.

Wife domiciled within foreign jurisdiction only because husband there domiciled—Whether decree effective.
Gray (orse. Formosa) v. Formosa, C.A. [1963] P. 259; [1962] 3 W.L.R. 1246.

Invalidity by the foreign law

Decree of foreign court of competent jurisdiction a nullity—Recognition of decree by English courts—Whether valid to annul marriage.
Merker v. Merker, Sir Jocelyn Simon P. [1963] P. 283; [1962] 3 W.L.R. 1389.

Jurisdiction to make declaration

Petitioner domiciled abroad if declaration claimed made—Petition for declaration that foreign decree of nullity was invalid and for divorce—Jurisdiction to make declaration as necessary step in divorce proceedings—R.S.C., Ord. 25, r. 5.
Lepre v. Lepre, Sir Jocelyn Simon P. [1965] P. 52; [1963] 2 W.L.R. 735.

Offending against substantial justice

Valid civil marriage in England—Husband domiciled in Malta—Maltese decree of nullity because marriage failed to comply with canon law.
Lepre v. Lepre, Sir Jocelyn Simon P. [1965] P. 52; [1963] 2 W.L.R. 735.

——————————Parties then domiciled in England—Maltese domicile acquired by husband—Maltese decree of nullity because husband Roman Catholic and marriage not in Roman Catholic church—Discretion not to recognise decree.
Gray (orse. Formosa) v. Formosa, C.A. [1963] P. 259; [1962] 3 W.L.R. 1246.

Voidable marriage

Foreign decree of nullity—Recognised by law of husband's domicile.
Abate v. Abate (orse. Cauvin), Lloyd-Jones J. [1961] P. 29; [1961] 2 W.L.R. 221.

Incapacity

Curability

Onus of proof—Lengthy period of cohabitation—Whether presumption of incurability—Standard of proof—Relevant date.
S. v. S. (orse. W.), Cairns J. [1962] 1 W.L.R. 25.
C.A. [1963] P. 162; [1962] 3 W.L.R. 396.

Deformity

Remediable by plastic operation—Whether sexual organ artificial—Whether if artificial consummation precluded.
S. Y. v. S. Y. (orse. W.), C.A. [1963] P. 37; [1962] 3 W.L.R. 526.

Jurisdiction

Lex loci as test

Marriage celebrated in jurisdiction—Husband resident and domiciled in Scotland—Jurisdiction of English court to annul void or voidable marriages where husband neither domiciled nor resident in jurisdiction.
Ross Smith (orse. Radford) v. Ross Smith, C.A. [1961] P. 39; [1961] 2 W.L.R. 71.

HUSBAND AND WIFE—*continued.*
Nullity—*continued.*
Jurisdiction—continued.
Marriage celebrated in jurisdiction
Husband resident and domiciled in Scotland—Jurisdiction of English court to annul void or voidable marriages where husband neither domiciled nor resident in jurisdiction.
Ross Smith v. Ross Smith, H.L.(E.) [1963] A.C. 280; [1962] 2 W.L.R. 388.

Neither party resident or domiciled in England—Jurisdiction of English court to annul void marriage. **Padolecchia v. Padolecchia (orse. Leis),** Sir Jocelyn Simon P. [1968] P. 314; [1968] 2 W.L.R. 173.

Medical inspection
Appointment of medical inspectors
Principles—Matrimonial Causes Rules, 1957, r. 24.
Practice Direction (Nullity: Medical Inspection), P.D.A. [1963] 1 W.L.R. 310.

Evidence of medical inspector
Documentary statement without requiring inspector's presence as witness—Evidence of opinion on affidavit—Evidence Act, 1938, s. 1 (2)—Matrimonial Causes Rules, 1957, r. 25 (1).
Practice Direction (Medical Inspection: Evidence), P.D.A. [1967] 1 W.L.R. 1557.

Medical inspector on London rota
Scale of fees.
Practice Direction (Medical Inspectors' Fees), P.D.A. [1964] 1 W.L.R. 567.

Scale of fees from November, 1968.
Practice Direction (Medical Inspectors' Fees), P.D.A. [1968] 1 W.L.R. 1889.

Medical inspector
Costs
Oral evidence by inspector required—Inspector to be informed by both parties three days before trial—Liability for inspector's fees.
Practice Direction (Nullity: Medical Inspector: Attendance and Fees), P.D.A. [1969] 1 W.L.R. 369.

Parties to suit
Voidable marriage
Declaration sought by collaterals.
Choppy v. Bibi, P.C. [1967] 1 A.C. 158; [1966] 2 W.L.R. 711.

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Cross petition for—Whether issue of nullity should be disposed of first.
S. (orse. P.) v. S., Wrangham J. [1970] P. 208; [1970] 3 W.L.R. 40.

Pregnancy at time of marriage by person other than petitioner
Medical evidence
Probative value of serological evidence—Knowledge of grounds for relief—Subsequent intercourse—Knowledge required—Matrimonial Causes Act, 1950, s. 8 (1).
Stocker v. Stocker, Karminski J. [1966] 1 W.L.R. 190.

Paternity issue
Whether court has power to order blood tests—Matrimonial Causes Act, 1950, s. 8 (1) (*d*). **W. v. W. (1963),** C.A. [1964] P. 67; [1963] 3 W.L.R. 540.

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Fixed dates if medical inspectors appointed.
Practice Direction (Fixed Dates for Undefended Divorces), P.D.A. [1963] 1 W.L.R. 1390.

Paternity issue. *See* LEGITIMACY.

Practice. (*See also* PROBATE.)
Documents
Copies of documents relating to proceedings
Discretion of registrar to allow solicitors not on record to obtain copies on behalf of parties—Matrimonial Causes Rules, 1957, r. 79 (2).
Practice Direction (Copies of Documents), P.D.A. [1966] 1 W.L.R. 818.

Property. (*See also* **Act of 1882, s. 17; Matrimonial home; Settlement;** BANKING.)
Joint property
Home bought in husband's name
Purchase-money provided by both parties—Contract to sell by husband alone—No additional trustee appointed—Wife's consent to sale not obtained—Whether wife entitled to restrain husband from disposing of property.
Waller v. Waller, Stamp J. [1967] 1 W.L.R. 451.

HUSBAND AND WIFE—*continued.*

Property—*continued.*

Joint property—continued.

Home bought in joint names

Express declaration of trust for husband and wife—Parties divorced—Wife desiring sale—Whether husband sole beneficial owner—Whether parties jointly entitled to property—Wife's claim that mortgage repayments part of expenses of matrimonial home—Married Women's Property Act, 1964, s. 1.
In re **Johns' Assignment Trusts,** Goff J. [1970] 1 W.L.R. 955.

Matrimonial home

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Desertion by husband—Wife in occupation—Registered land—Whether wife's right an overriding interest—Land Registration Act, 1925, s. 70 (1) (*g*).
National Provincial Bank Ltd. v. Hastings Car Mart Ltd., Cross J. [1964] Ch. 9; [1963] 2 W.L.R. 1015.

Restitution of conjugal rights

Effect of order

Disobedience

Effect on subsequent proceedings for judicial separation or divorce.
Laws v. Laws, C.A. [1963] 1 W.L.R. 1133.

Wife's remedies. **National Provincial Bank Ltd. v. Hastings Car Mart Ltd., H.L.(E.) [1965] A.C. 1175; [1965] 3 W.L.R. 1.**

Husband's application for injunction to restrain wife from interfering with him

Jurisdiction of court to grant—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45. **Nanda v. Nanda,** Payne J. [1968] P. 351; [1968] 2 W.L.R. 404.

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Divorce Court, ordered by

Child

Settlement for benefit of child out of guilty wife's property—Form of order—Wife not to be deprived absolutely of all interest in settled property—Matrimonial Causes Act, 1950, s. 24 (1). **Moy v. Moy and White,** C.A. [1961] 1 W.L.R. 552.

Jurisdiction

Jurisdiction to order settlement of guilty wife's property—Property situated in England—Wife resident and domiciled abroad—Matrimonial Causes Act, 1950, s. 24—Supreme Court of Judicature (Consolidation) Act, 1925, s. 47.
Hunter v. Hunter and Waddington, Scarman J. **[1962] P. 1; [1961] 2 W.L.R. 691.**

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Interest of natural children—Matrimonial Causes Act, 1950, s. 25.
Purnell v. Purnell, C.A. [1961] P. 141; [1961] 2 W.L.R. 185.

Ante-nuptial settlement

House purchased by affianced couple in contemplation of marriage—Subsequent marriage and divorce—Wife guilty of adultery—Jurisdiction of court to vary ante-nuptial settlement for benefit of children or innocent spouse—Principles applicable—No punishment of guilty party—Compensation for pecuniary loss only.
Ulrich v. Ulrich and Felton, C.A. [1968] 1 W.L.R. 180.

Meaning of "settlement"

"Post-nuptial" settlement—Divorce—Deed executed after decree nisi but before decree absolute—Periodical payments—Matrimonial Causes Act, 1950, s. 25.
Young v. Young (No. 1), Baker J. [1961] 1 W.L.R. 955.
C.A. [1962] P. 27; [1961] 3 W.L.R. 1109.

Purchase of house for matrimonial home—Conveyance in name of husband only—Wife contributing towards purchase price—Whether a post-nuptial settlement—Matrimonial Causes Act, 1950, s. 25—Settled Land Act, 1925, s. 117 (1)—Law of Property Act, 1925, s. 205 (1). **Cook v. Cook,** Phillimore J. [1962] P. 181; [1962] 2 W.L.R. 963; C.A. [1962] P. 235; [1962] 3 W.L.R. 441.

Post-nuptial settlement

Conveyance of house to parties as joint tenants—Nullity proceedings—Decree nisi—Notice of severance—Whether post-nuptial settlement still in existence—Whether capable of variation—Matrimonial Causes Act, 1965, s. 17.
Radziej (orse. Sierkowska) v. Radziej, Baker J. [1967] 1 W.L.R. 659.
C.A. [1968] 1 W.L.R. 1928.

House purchased in joint names—Both parties working—Husband's desertion—Principles applicable on variation of "settlement"—Form of order—Matrimonial Causes Act, 1965, s. 17 (1). **Smith v. Smith,** C.A. [1970] 1 W.L.R. 155.

————————Wife's adultery—Divorce—Extinguishment of wife's interest subject to compensation—Matrimonial Causes Act, 1965, s. 17 (1).
Spizewski v. Spizewski, C.A. [1970] 1 W.L.R. 522.

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Consent
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Divorce—Burden of proof—Husband and wife—Sodomy—Consent.
Keogh v. Keogh, Wrangham J. [1962] 1 W.L.R. 191.

Wife persuaded by husband that practice of sodomy normal among married couples—Whether real consent. **T. v. T.,** C.A. [1964] P. 85; [1963] 3 W.L.R. 261.

Tort
Matrimonial home
Power to sue wife in tort
Whether right to recover possession against deserted wife—Law Reform (Husband and Wife) Act, 1962. **National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,** H.L.(E.) [1965] A.C. 1175; [1965] 3 W.L.R. 1.

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Acts not admitted—Court asked to assume truth of allegations pleaded—Legal position depending on precise facts—Whether procedure appropriate.
Sumner v. William Henderson & Sons Ltd., C.A. [1963] 1 W.L.R. 823.

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Unpublished law
Entry prohibition
Not served on defendant—Whether guilty of entry as a prohibited person.
Lim Chin Aik v. The Queen, P.C. [1963] A.C. 160; [1963] 2 W.L.R. 42.

ILLEGITIMACY. *See* AFFILIATION; INFANT; LEGITIMACY.

IMPLIED TERM. *See* CONTRACT.

INCOME TAX. *See* REVENUE.

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INDUSTRIAL COURT
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British Broadcasting Corpn. v. Association of Cinematograph, Television and Allied Technicians, Megaw J. (1966) 1 K.I.R. 773.

INDUSTRIAL DEVELOPMENT
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Vacuum tank and pumping equipment — Permanently mounted on trailer — Hydrogen trailer—Parts of mobile transporters used for delivering gas to customers—Whether "machinery or plant"—Small gas cylinders—Whether used for process ancillary to making of gas—"Storage"—"Packing"—Whether eligible for grants—Discretion of the Board of Trade—Industrial Development Act, 1966, ss. 1 (1) (2) (3), 13 (1).
British Oxygen Co. Ltd. v. Board of Trade, Buckley J. [1969] 1 Ch. 57; [1968] 3 W.L.R. 1.
C.A. [1969] 2 Ch. 174; [1969] 2 W.L.R. 877.
H.L.(E.) [1970] 3 W.L.R. 488.

INDUSTRIAL DISPUTE. *See* TRADE DISPUTE.

INDUSTRIAL TRAINING

Industrial training levy

Engineering industry

Steam-generating plant for thermal power stations—Construction on site—Components mainly of metal—Boiler main component—Whether structure, installation of plant or manufacture of metallic articles—Whether activity of engineering industry or civil engineering work—Industrial Training (Engineering Board) Order, 1967, Sch., paras. 1, 2, 3—Industrial Training (Engineering Board) Order, 1968, Sch., paras. 1 (*a*) (i) (*b*) (*h*), 2, 3. **Engineering Industry Training Board v. Foster Wheeler John Brown Boilers Ltd.,** D.C. [1970] 1 W.L.R. 538.
C.A. [1970] 1 W.L.R. 881.

Hotel and Catering Board

Company limited by guarantee—Association of freemasons—Objects including establishment and maintenance of club—Whether a "members' club" or company managing a proprietary club—Test—Matter of fact and degree—Industrial Training Act, 1964, s. 1 (1)—Industrial Training (Hotel and Catering Board) Order, 1966, art. 2, Sch. 1, paras. 1 (*a*), 3 (*c*) (*d*).
Warwickshire Masonic Peace Memorial Temple Ltd. v. Hotel and Catering Industry Training Board, D.C. (1969) 7 K.I.R. 313.

Prepared meals supplied by catering company to airlines for consumption by passengers—Meals served by airline crew at meal times—Whether "supply . . . to persons for immediate consumption"—"Immediate"—Meaning of—Industrial Training Act, 1964, s. 4 (1)—Industrial Training (Hotel and Catering Board) Order, 1966, Sch. 1, para. 1 (*a*)—Industrial Training Levy (Hotel and Catering) Order, 1968, paras. 2 (1) (*h*) (*i*), 4 (1).
N.A.S. Airport Services Ltd. v. Hotel and Catering Industry Training Board, D.C. [1970] 1 W.L.R. 473.
C.A. [1970] 1 W.L.R. 1576.

Training persons for employment—Minister's order specifying activities including supply of main meals and lodging by a members' club—Club not an industrial or commercial undertaking—Whether "any activities of industry or commerce"—"Those activities"—Whether club "employers in the industry"—Whether order ultra vires—Industrial Training Act, 1964, ss. 1 (1) (2), 4 (1)—Industrial Training (Hotel and Catering Board) Order, 1966. **Hotel and Catering Industry Training Board v. Automobile Proprietary Ltd.,** C.A. [1968] 1 W.L.R. 1526.
H.L.(E.) [1969] 1 W.L.R. 697.

Road transport industry

Assessment—"Emoluments" of "persons employed"—Whether including sums drawn by owner and sole managing director—Company director virtual owner and sole managing director—Whether capable of being person "employed"—Industrial Training Act, 1964, ss. 1, 4—Industrial Training (Road Transport Board) Order, 1966, art. 2—Industrial Training Levy (Road Transport) Order, 1967, arts. 2 (1), 3 (1) (3).
Road Transport Industry Training Board v. Readers Garage Ltd., D.C. (1969) 6 K.I.R. 137.

INFANT. (*See also* ADOPTION; AFFILIATION; CHILDREN AND YOUNG PERSONS; CONFLICT OF LAWS; HUSBAND AND WIFE (**Justices**); LEGITIMACY.)

Action by

Settlement of

Terms that money be paid into court within limited time—Necessity for prompt payment.
Practice Notice (Infants: Settlement of Actions), Central Office [1969] 1 W.L.R. 1284.

Suing by next friend

Infant of full age at date of trial—Title of proceedings.
Carberry v. Davies, C.A. [1968] 1 W.L.R. 1103.

Agency

Capacity to appoint agent

Infant alleged to be father of illegitimate child—Agent able to make admissions on infant's behalf. **G. (A.) v. G. (T.),** C.A. [1970] 2 Q.B. 643; [1970] 3 W.L.R. 132.

Bankruptcy. *See* BANKRUPTCY.

Chancery Division

Date of hearing

Contested application in relation to infant — Avoidance of delay — Duty of solicitors on adjournment to judge—Counsel's estimate of length of hearing—Counsel's clerk to attend on judge's clerk for date to be fixed for hearing.
Practice Direction (Infants: Avoidance of Delay), Ch.D. [1966] 1 W.L.R. 1217.

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Description

Persons under age—Described as minor or infant—Choice left to plaintiff—Registrar to substitute " minor " for " infant."
Practice Direction (Chancery Division: Miscellaneous Provisions), Ch.D. [1970] 1 W.L.R. 977.

Contract

For benefit of, whether

Agreement by infant husband and adult wife—Proposed autobiography of infant to be written by third parties—Publishers to have copyright and exclusive right to publish and sell—Advance payment of royalties—Finished work discreditable of infant and others—Purported avoidance by infant alone—Contract fully executed by infant and work in advanced state of production—Whether contract binding on infant—Whether for infant's benefit in enabling him to earn a living and support family—Whether copyright transferred to publisher—Copyright Act, 1956, ss. 19 (1), 36 (1), 37 (1).
Chaplin v. Leslie Frewin (Publishers) Ltd., Waller J. and C.A. [1966] Ch. 71; [1966] 2 W.L.R. 40.

Joint contract by infant and adult

Repudiation of contract by infant alone—Action by infant to recover interests transferred by contract—Whether adult necessary party to repudiation and action.
Chaplin v. Leslie Frewin (Publishers) Ltd., Waller J. and C.A. [1966] Ch. 71; [1966] 2 W.L.R. 40.

Costs

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Proceeding relating to infant—Whether order for security for costs to be made against a parent. *In re* **B. (Infants) (1965),** Pennycuick J. [1965] 1 W.L.R. 946.

Custody (Divorce Court)

Access

Injunction—Jurisdiction of court to grant—Order to restrain parent from writing to infant—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45 (1).
R. v. R. and I., Scarman J. [1961] 1 W.L.R. 1334.

Mother neglectful of infants—Mother adulterous wife—Mother abandoned infants—Whether to be deprived of access—Principles applicable. **S. v. S.,** C.A. [1962] 1 W.L.R. 445.

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Aged 8—General principle—Whether better for child to be with father.
W. v. W. and C., C.A. [1968] 1 W.L.R. 1310.

Children, declaration as to welfare. See HUSBAND AND WIFE (**Divorce**).

Costs

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Child presented by wife to husband and presumed legitimate for three and a half years—Wife leaving home to live with co-respondent—Child remaining with husband—Husband's decree on ground of adultery—Claim by wife in custody summons that co-respondent father of child—Wife and co-respondent willing to undergo blood tests and to have child blood-tested to determine paternity—Husband declining himself to undergo blood test—No positive evidence of paternity obtainable from tests on three out of four relevant persons—Whether husband's refusal reasonable.
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C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.

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Agreement by parties to apply for custody issue to be referred to chambers—Absence of one party at hearing of petition—Refusal by judge to refer to chambers—Discretion of judge. **Cooper v. Cooper and Harmer**, C.A. [1961] 1 W.L.R. 1369.

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Proviso to restriction against taking child out of jurisdiction.
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Paramount interest of child. (*See also* **Guardianship; Ward of court.**)

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Conduct of parents—Father blameless—Mother guilty of adultery—Risk involved in breaking tie with mother—Experimental order for limited period—Children to remain with mother with liberal access to father—Matter to be reconsidered after three months—Whether jurisdiction to make order—Whether desirable formal custody be given to one party or other. **L. v. L.**, C.A. [1966] 1 W.L.R. 1079.

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Application by mother for leave to take child out of jurisdiction—Custody granted to mother—Access to father—Mother's remarriage—Proposal by new husband to emigrate to New Zealand—Whether leave to be granted—Effect on new marriage if leave refused—Principles applicable. **Poel v. Poel**, C.A. [1970] 1 W.L.R. 1469.

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Mother unfit—Decision of judge made on affidavit evidence only—Personality and character of parents—Circumstances in which desirable that judge should personally see the parties. **H. v. H. and C.**, C.A. [1969] 1 W.L.R. 208.

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Custody with mother

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Guardianship

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Discretion as to custody—Whether appellate courts entitled to substitute own discretion.
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Leave to adduce further evidence—Effect on procedure—Justices' discretion—Appellate court's discretion. *In re* **B. (T. A.) (An Infant)**, Megarry J. [1970] 3 W.L.R. 835.

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Religious education—Importance. *In re* **M. (Infants)**, C.A. [1967] 1 W.L.R. 1479.

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No order—Care and control to mother—Whether necessity for formal order as to custody.
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C.A. [1964] Ch. 202; [1963] 3 W.L.R. 789.

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Paramount interest of child. (*See also* **Custody**; **Ward of court.**)

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In re **Adoption Application 41/61**, C.A. [1963] Ch. 315; [1962] 3 W.L.R. 997.

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Appointment of guardian.
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Care and control—Welfare of infant paramount—Religious wishes of mother.
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Child in care of local authority—Court's right to review decision of local authority.
In re **S. (An Infant),** C.A. [1965] 1 W.L.R. 483.

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Jurisdiction—continued.

Child in care of local authority—Desire of putative father resident and domiciled in South Africa to take over care and to take child out of jurisdiction—Local authority satisfied welfare of child requiring him to remain in their care—Whether duty of local authority to secure that child should be taken over by mother or putative father—Whether court's parental jurisdiction could be usefully exercised—Children Act, 1948, s. 12 (1).
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In re **R. (K.) (An Infant),** Pennycuick J. [1964] Ch. 455; [1963] 3 W.L.R. 992.

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In re **Mohamed Arif (An Infant),** Cross J. and C.A. [1968] Ch. 643; [1968] 2 W.L.R. 1290.

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————————Infant born in England to English mother and Swiss father resident in Switzerland—Divorce order of Swiss court embodying agreement relating to infant's future—Infant temporarily with mother in England—Mother's refusal, in breach of order, to return infant, aged 16, to Switzerland—Evidence that infant, not party to proceedings, unwilling to return—Relative weight of infant's interests and comity—Whether ascertainment of wishes and reasons essential before return ordered.
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————————Interim order—Infant taken abroad by mother in breach of court order—Proceedings in which order obtained subsequently discontinued—Mother's return to England with child and with man with whom she had formed association—Father domiciled in Scotland—Custody given to father by interim unopposed order in Scottish divorce proceedings—Warrant to messengers-at-arms to take child—Order on mother, in wardship proceedings in England, to hand child over into father's care complied with—Whether Scottish court or Court of Chancery appropriate court to make interim arrangements pending hearing by competent court on merits—Whether infant should be handed over to messengers-at-arms.
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Jurisdiction—continued.

Forum conveniens—Kidnapping case—Infant removed by grandfather contrary to order of American court from that court's jurisdiction and placed with aunt in England—Aunt granted custody and control—Infant happily settled with aunt—Whether English court to decide on merits of case or order return of infant to American jurisdiction—Whether special reasons why infant should remain here.
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C.A. [1967] Ch. 761; [1967] 2 W.L.R. 1370.

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C.A. [1965] Ch. 568; [1965] 2 W.L.R. 1.

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Originating summons not issued—Ex parte injunction to protect person of infant—Order made on terms that summons issued—Application to Queen's Bench judge—Application made on Sunday—Whether jurisdiction to make order enjoining parent to return infants to jurisdiction—Law Reform (Miscellaneous Provisions) Act, 1949, s. 9—R.S.C. (Rev. 1965), Ord. 29, r. 1.
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Immediate registration in Register of Wards—Applicant's relationship to ward to be stated—Doubtful cases to be referred to master—R.S.C. (Rev. 1965), Ord. 91, r. 1 (3).
Practice Direction (Wardship Applications), Ch.D. [1967] 1 W.L.R. 623.

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Universal application of—Rights and wishes of parents—Ten-year-old boy in care of foster parents for most of his life—Application by unimpeachable foreign parents for his return—Dangers of change—"Paramount consideration"—Value of expert medical evidence—Whether care of unimpeachable parents automatically for "welfare of infant"—Whether refusal of parents' request amounting to de facto adoption order—Applicability of principles of comity—Guardianship of Infants Act, 1925, s. 1.
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In re **K. (Infants),** H.L.(E.) [1965] A.C. 201; [1963] 3 W.L.R. 408.

Young child—Father convicted of manslaughter of mother—Child committed to care of father's brother and wife as closest blood relations—Interest of father over-riding interest of child—Wrong exercise of discretion—Complete segregation from father and family desirable in child's best interests.
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Ward of court—*continued.*

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Child in care of local authority—Whether children's officer or local authority proper respondent. *In re* **L. (An Infant) (Practice Note)**, Cross J. [1963] 1 W.L.R. 97.

Parent or guardian in agreement not a "suitable respondent"—Application for leave to issue ex parte summons or summons with infant as respondent—R.S.C., Ord. 54P, r. 1. **Practice Direction (Parties to Wardship Proceedings)**, Ch.D. [1962] 1 W.L.R. 61.

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Not later than 28 days without leave—R.S.C., Ord. 112, r. 3 (Ord. 91, r. 2 (1) (*b*), after October 1, 1966). **Practice Direction (Wardship Applications)**, Ch.D. [1966] 1 W.L.R. 1384.

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Relevance of—Mother's wish that ward live with her and be educated in California—Ward's wish to continue education at school in England—Appreciable advantages of completing education in England—Whether ward's wishes to be taken into account. *In re* **S. (Infants)**, Cross J. [1967] 1 W.L.R. 396.

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Contract to assign musical compositions to plaintiff company—Musical compositions exploited by plaintiff company's director—No benefit to plaintiff company—Whether injunction by. **Denmark Productions Ltd. v. Boscobel Productions Ltd.**, C.A. [1969] 1 Q.B. 699; [1968] 3 W.L.R. 841.

Whether fact that plaintiff would not be benefited by injunction material—Restrictive covenant. **Sefton v. Tophams Ltd.**, C.A. [1965] Ch. 1140; [1965] 3 W.L.R. 523.

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Inducement of breach of contract by ban on overtime—Whether restrainable by injunction—Trade Disputes Act, 1906, ss. 3, 4, 5 (3). **Camden Exhibition & Display Ltd. v. Lynott**, C.A. [1966] 1 Q.B. 555; [1965] 3 W.L.R. 763.

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Exclusion of occupier from premises while continuing to reside—Access to premises—Whether injunction or damages appropriate remedy. **Warder v. Cooper**, Stamp J. [1970] Ch. 495; [1970] 2 W.L.R. 975.

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Husband and Wife. (*See also* HUSBAND AND WIFE (**Divorce**).)

Marital confidence

Breach of—Disclosure of communications made during currency of marriage—Whether obligation of confidence—Whether based on contract—Whether on public policy—Disclosure by publication—Jurisdiction of court to restrain—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45. **Argyll (Duchess) v. Argyll (Duke)**, Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

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Fraser v. Evans, C.A. [1969] 1 Q.B. 349; [1968] 3 W.L.R. 1172.

Copyright
Disposal of—Action to restrain—Maintenance of status quo—Principles on which interlocutory relief granted.
Donmar Productions Ltd. v. Bart (Note), Ungoed-Thomas J. [1967] 1 W.L.R. 740.

Infringement, action to restrain—Maintenance of status quo—Principles on which interlocutory relief granted.
Harman Pictures, N.V. v. Osborne, Goff J. [1967] 1 W.L.R. 723.

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Motion ex parte by defendants to discharge or vary—Jurisdiction of court—Circumstances justifying exercise of jurisdiction. **London City Agency (JCD) Ltd. v. Lee,** Megarry J. [1970] Ch. 597; [1970] 2 W.L.R. 136.

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Orion Property Trust Ltd. v. Du Cane Court Ltd., Pennycuick J. [1962] 1 W.L.R. 1085.

Breach of agreements between group of musicians and manager—Whether agreements should be enforced—Contract of personal services—Performance of obligations of fiduciary relationship—Whether conflict of interest—Whether musicians bound to continue to employ manager in whom they had lost confidence.
Page One Records Ltd. v. Britton, Stamp J. [1968] 1 W.L.R. 157.

Local education authority—Failure to fulfil statutory requirements—Motion for interim relief pending trial—Claim that chaos would supervene if interim relief granted overruled—Statutory safeguards against bureaucracy to be strictly enforced.
Bradbury v. Enfield London Borough Council, C.A. [1967] 1 W.L.R. 1311.

Maintenance proceedings for wilful neglect to maintain—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45—R.S.C. (Rev. 1965), Ord. 29, r. 1.
Des Salles d'Epinoix v. Des Salles d'Epinoix, C.A. [1967] 1 W.L.R. 553.

Negative covenant—Breach of express prohibition—Undertaking to discontinue—Whether jurisdiction to enjoin until trial of action—Tenant's covenant not to permit musical instruments to be played so as to cause "nuisance or annoyance" to neighbours—Music to be discontinued on complaint until "effective soundproofing" installed—Whether uncertain—Loud music played in tenant's restaurant—Landlords' neighbouring tenants unable to sleep—Tenant profiting by music—Balance of convenience—Whether favouring interlocutory injunction.
Hampstead & Suburban Properties Ltd. v. Diomedous, Megarry J. [1969] 1 Ch. 248; [1968] 3 W.L.R. 990.

Nuisance—Summons adjourned for three days—Ex parte injunction granted—Whether proper exercise of judicial discretion—R.S.C., Ord. 29, r. 1, para. 18.
Beese v. Woodhouse, C.A. [1970] 1 W.L.R. 586.

Railway closure—Local authorities' action to stop closure of railway line—Whether valid—Local Government Act, 1933, s. 276.
Warwickshire County Council v. British Railways Board, C.A. [1969] 1 W.L.R. 1117.

Substantially all relief claimed in action—Whether proper case for granting relief on motion. **Woodford v. Smith,** Megarry J. [1970] 1 W.L.R. 806.

Unlawful publication—Act creating offence—Whether penalty only remedy—Relief sought by member of class Act designed to protect—Whether jurisdiction limited to tortious act giving rise to right of action—No damage to property involved—Whether "just and convenient" to grant interlocutory injunction — Supreme Court of Judicature (Consolidation) Act, 1925, s. 45—Judicial Proceedings (Regulation of Reports) Act, 1926, s. 1 (1). **Argyll (Duchess) v. Argyll (Duke),** Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

INJUNCTION—*continued.*

Interlocutory—*continued.*

Patent

Drug—Infringement—Application by defendants for compulsory licence—Whether injunction should be granted pending determination of application—Power of Comptroller-General on granting licence to impose conditions in respect of manufacture and distribution—Effect in interim period if injunction not granted—Plaintiffs' right to bring actions against any sub-seller of drug if no injunction—Whether desirable in interests of administration of justice—Patents Act, 1949, s. 41 (1).
F. Hoffmann-La Roche & Co. A.G. v. Inter-Continental Pharmaceuticals Ltd., C.A. [1965] Ch. 795; [1965] 2 W.L.R. 1045.

Salvage operations

Rights in wreck granted to two salvors—Alleged infringement of rights of first salvor by third party—Whether interlocutory injunction to be continued—Balance of convenience.
The Association and The Romney, Dunn J. [1970] 2 Lloyd's Rep. 59.

Suspension

Trespass to air space—Projection of crane's jib—Continuation of crane's use a practical necessity—Exercise of court's discretion to grant an injunction and suspend its operations.
Woollerton and Wilson Ltd. v. Richard Costain Ltd., Stamp J. [1970] 1 W.L.R. 411.

Mandatory injunction

Form

Injunction requiring defendants to restore support to plaintiffs' land—Injunction in general terms—Works to be carried out not specified—Whether injunction in accordance with established practice. **Morris v. Redland Bricks Ltd.,** C.A. [1967] 1 W.L.R. 967.

Interlocutory

Breach of negative covenant by erection of fence—Covenantee's application for mandatory injunction—Covenantor's proposed application to Lands Tribunal for modification of covenant—Court's discretion to grant mandatory injunction on motion—Mandatory compared with prohibitory injunctions.
Shepherd Homes Ltd. v. Sandham, Megarry J. [1970] 3 W.L.R. 348.

Detention of documents and passports by police—Claim by owners—Relief sought substantially same as claimed in action—No reason to delay enforcement of right—Whether order should be granted.
Ghani v. Jones, Talbot J. and C.A. [1970] 1 Q.B. 693; [1969] 3 W.L.R. 1158.

Jurisdiction to grant

Order for mere payment of sum of money—Contract to pay money to third party—Action claiming order for payment—Appearance not entered and time unexpired—Interlocutory application ex parte for mandatory order—Whether jurisdiction to make order.
Felton v. Callis, Megarry J. [1969] 1 Q.B. 200; [1968] 3 W.L.R. 952.

Principles governing relief

Negative covenant not to resurface track so as to raise level above surrounding land—Admitted breach by work completed after writ issued—Different principles applicable, according to whether breach committed or threatened—Grant of mandatory injunction—Suspension for three years to allow defendant to do work on plaintiff's adjoining land with consent—Liberty to apply.
Charrington v. Simons & Co. Ltd., Buckley J. [1970] 1 W.L.R. 725.

Quia timet injunction—Excavations likely to remove support from adjoining land—Mandatory injunction directing that support be restored—Cost of works of restoration estimated at £35,000—Value of land to be supported £1,600—Injunction in general terms—Works to be carried out not specified—Whether contrary to principles.
Morris v. Redland Bricks Ltd., H.L.(E.) [1970] A.C. 652; [1969] 2 W.L.R. 1437.

Nuisance. (*See also* NUISANCE.)

Appropriate remedy

Potential nuisance—Excavations likely to remove support from adjoining land—Mandatory injunction directing that support be restored—Cost of works of restoration estimated at £35,000—Value of land to be supported £1,600—Whether injunction appropriate remedy—Circumstances in which damages should be granted in lieu of injunction.
Morris v. Redland Bricks Ltd., C.A. [1967] 1 W.L.R. 967.

Quia timet action

Nuisance not proved—Whether proper course to grant injunction with suspended operation.
Bridlington Relay Ltd. v. Yorkshire Electricity Board, Buckley J. [1965] Ch. 436; [1965] 2 W.L.R. 349.

INJUNCTION—*continued.*

Relator action

Attorney-General's discretion

Action for declaration—Lack of interest of relator—Council acting ultra vires—Whether injunction appropriate remedy. **Attorney-General v. Crayford Urban District Council,** C.A. [1962] Ch. 575; [1962] 2 W.L.R. 998.

Interlocutory injunction

Statutory penalties—Tree preservation order—Threat to destroy trees protected by order—No prosecution for breach of order—Irremediable harm if trees cut down—Application by Attorney-General—Whether jurisdiction to grant interlocutory injunction—Town and Country Planning Act, 1962, s. 62 (1)—Civic Amenities Act, 1967, s. 15 (1). **Attorney-General v. Melville Construction Co. Ltd.,** Megarry J. (1968) 67 L.G.R. 309.

Public right

Local authorities' proceedings to stop closure of railway line—Interests of inhabitants of areas affected—Whether Attorney-General necessary party to proceedings—Local Government Act, 1933, s. 276. **Warwickshire County Council v. British Railways Board,** C.A. [1969] 1 W.L.R. 1117.

Right vested in inhabitants of parish—Franchise to hold fair on certain land—Whether public right—Whether Attorney-General necessary party to enforcement by declaration or injunction. **Wyld v. Silver,** Lloyd-Jacob J. [1962] Ch. 561; [1961] 3 W.L.R. 1303. C.A. [1963] Ch. 243; [1962] 3 W.L.R. 841.

Statute creating criminal offence—Complaint of racial propaganda—Whether individual suit maintainable without Attorney-General's consent—Whether to support a legal right—Race Relations Act, 1965, ss. 3, 6. **Thorne v. British Broadcasting Corpn.,** C.A. [1967] 1 W.L.R. 1104.

Restrictive practices. *See* RESTRICTIVE PRACTICES.

Service

Restrictive practice. See RESTRICTIVE PRACTICES.

INN

Hotel Proprietors Act, 1956

Guests' property stolen

Floor waiter acquitted in criminal proceedings—Liability of innkeeper—Whether innkeeper's liability limited under s. 2 (3). **Kott and Kott v. Gordon Hotels Ltd.,** Fenton Atkinson J. [1968] 2 Lloyd's Rep. 228.

INSANITY. *See* CRIME; HUSBAND AND WIFE; MENTAL DEFICIENCY.

INSURANCE

Assessors

Payment for services

Reasonable amount. **Hugh V. Allen & Co. Ltd. v. A. Holmes Ltd.,** C.A. [1969] 1 Lloyd's Rep. 348.

Broker

Agent for assured

Insurance broker acting for assured—Loss of goods—Broker accepting instructions from underwriters—Whether agent for underwriters—Whether breach of duty to assured. **Anglo-African Merchants Ltd. v. Bayley,** Megaw J. [1970] 1 Q.B. 311; [1969] 2 W.L.R. 686.

Negligence. See DAMAGES.

Insurable interest

Whether necessary

Fire—Policy covering hay even though assured's property had passed " by operation of law "—Agricultural holding—Destruction of tenant's hay by fire after notice to quit—Liability of insurers. **Thomas v. National Farmers' Union Mutual Insurance Society Ltd.,** Diplock J. [1961] 1 W.L.R. 386.

Interest of third party in policy

Act of 1930

Employee injured—Claim against employer—Insurers not informed of claim—Condition of policy that insurers informed of all claims—Receiver appointed of employer company—Judgment in default of appearance—Damages not paid—Claim against employer's insurers—Whether insurers liable to third party—Third Parties (Rights against Insurers) Act, 1930, s. 1. **Farrell v. Federated Employers Insurance Association Ltd.,** MacKenna J. [1970] 1 W.L.R. 498.

INSURANCE—*continued.*

Interest of third party in policy—*continued.*

Act of 1930—continued.

Employers' liability policy—Condition requiring immediate notification of every writ served on employers—Employee injured at work—Receiver appointed to employers—Abortive attempt to serve writ—Judgment against employers in default of appearance—Insurers asked to satisfy award of damages—Repudiation by insurers in reliance on condition—Action against insurers—Whether condition waived or binding on plaintiff—Whether insurers liable—Third Parties (Rights against Insurers) Act, 1930, s. 1.

Farrell v. Federated Employers Insurance Association Ltd., C.A. [1970] 1 W.L.R. 1400.

Indemnity for all sums "which insured shall become legally liable to pay"—Damage to third party's property by insured—Liability denied—Insured in liquidation before liability and quantum determined—Whether third party entitled to proceed direct against insurance company—Proper procedure—Whether third party should proceed with leave of court against company in liquidation for determination of liability—Third Parties (Rights against Insurers) Act, 1930, s. 1.

Post Office v. Norwich Union Fire Insurance Society Ltd., C.A. [1967] 2 Q.B. 363; [1967] 2 W.L.R. 709.

Workman injured in fall from defective scaffold—Insured employer in arrears with payment of premium—Employer in liquidation before liability and quantum determined—Whether workman's right to sue insurers subject to set-off in respect of amount of employer's unpaid premiums—Third Parties (Rights against Insurers) Act, 1930, s. 1 (1).

Murray v. Legal & General Assurance Society Ltd., Cumming-Bruce J. [1970] 2 Q.B. 495; [1970] 2 W.L.R. 465.

Bailee, insurance by

Carriers' insurance of goods in transit—Contractual liability of carriers to insure for "full comprehensive cover"—Policy indemnifying carriers against "loss, damage or liability"—Policy in respect of third party's goods "whilst being carried or in transit"—Whether policy on goods or on carriers' liability—Whether carriers insurable interest in third party's goods—Right of carriers to recover as trustees for third party's loss of goods. **A. Tomlinson (Hauliers) Ltd. v. Hepburn,** C.A. [1966] 1 Q.B. 21; [1965] 2 W.L.R. 634. H.L.(E.) [1966] A.C. 451; [1966] 2 W.L.R. 453.

Landlord's covenant to insure

Whether enuring to benefit of tenant—Whether landlord bound to use policy moneys to reinstate.

Mumford Hotels Ltd. v. Wheler, Harman L.J. [1964] Ch. 117; [1963] 3 W.L.R. 735.

Life insurance

Trust—Policy taken out by father on life of and for benefit of daughter—Father's option on "option anniversary" to surrender policy for own benefit or convert for benefit of daughter—Father entitled until "option anniversary" to surrender, reduce or borrow on policy and "thereafter the like rights shall be vested in and for the benefit of the daughter or the executors, administrators or assigns of the daughter"—Death of father—Policy converted on "option anniversary" for benefit of daughter by father's executors—Whether trust for daughter.

In re **Foster's Policy,** Plowman J. [1966] 1 W.L.R. 222.

Liability insurance

Bodily injury and death

Canada—Liability in respect of employees of "insured" excluded—Claim by one of four insureds in respect of injury to and death of another insured—Whether claim excluded—Meaning of "insured." **Stolberg v. Pearl Assurance Co. Ltd.,** British Columbia Supreme Ct. [1970] 2 Lloyd's Rep. 421.

Employer's liability

Accident to employee—Employers liable under both common law and statute for manifest breach—Risk to employee not appreciated by employers—Danger not deliberately courted—Failure to do what hypothetical reasonable employer would have done—Condition precedent in policy that "reasonable" precautions be taken to prevent accidents—Meaning—Commercial purpose of policy and condition.

Fraser v. B. N. Furman (Productions) Ltd. (Miller Smith & Partners Third Party), C.A. [1967] 1 W.L.R. 898.

Cover for injury to employee arising "out of and in the course of . . . employment"—Meaning—Workmen injured on public road when passenger in car provided by employers to bring men to and from work—No obligation to travel in car—Accident not arising "in the course of his employment"—Employers' liability insurers not liable to indemnify employers—National Insurance (Industrial Injuries) Act, 1946, s. 9 (1).

Vandyke v. Fender (Sun Insurance Office Ltd. Third Party), C.A. [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929.

INSURANCE—*continued.*

Liability insurance—*continued.*

Employer's liability—continued.

Employee's fall while painting roof trusses of building built as a hangar—Policy excluding "any work in connection with . . . hangars" or "roofs other than of private dwellings and/or shops . . ."—Whether building had ceased to be a "hangar"—Meaning of "in connection with" and "roof"—Third Party (Rights against Insurers) Act, 1930. **Kearney v. General Accident Fire & Life Assurance Corpn. Ltd.,** Nield J. [1968] 2 Lloyd's Rep. 240.

Injury "arising out of and in the course of . . . employment"—Whether to be interpreted in light of National Insurance (Industrial Injuries) Acts—"Deemed"—Employee injured while being driven to work by fellow employee—Car lent by employers on condition that fellow employee would take other named employees—Liability of insurers under policy—National Insurance (Industrial Injuries) Act, 1946, s. 9 (1)—National Insurance (Industrial Injuries) Act, 1965, ss. 6, 8 (1).
Vandyke v. Fender, Paull J. [1969] 2 Q.B. 581; [1969] 3 W.L.R. 217.

Lloyd's goods in transit policy

Insured hauliers indemnified against legal liability for loss of goods in transit—Dishonest driver employed without hauliers checking references—Loss of goods by theft—Clause requiring insured to take "all reasonable precautions for the protection and safeguarding of goods"—Construction—Whether "condition" or "warranty"—Whether limited to the taking of "physical" precautions only—Whether clause broken by insureds' "ordinary negligence" or recklessness.
W. & J. Lane v. Spratt, Roskill J. [1970] 2 Q.B. 480; [1969] 3 W.L.R. 950.

Occupier's liability

Householder's comprehensive policy—Assured indemnified against claims "as occupier"—Fire started by assured in cornice in the eaves outside his flat—Liability as occupier for escape of fire. **Sturge v. Hackett,** C.A. [1962] 1 W.L.R. 1257.

———————————Assured indemnified as occupier against claims for damage caused "by accident"—Tree roots encroaching on neighbour's land and damaging property—"By accident."
Mills v. Smith (Sinclair, Third Party), Paull J. [1964] 1 Q.B. 30; [1963] 3 W.L.R. 367.

Life insurance

Estate duty. See REVENUE (**Estate duty**).

Marine

Cargo

Policy covering loss by "takings at sea," theft—"Sue and labour" clause—Assured's cargo in ship—Charter hire due but unpaid—Refusal of master to deliver cargo to agreed port—Master acting on shipowner's instructions diverting cargo to agreed port—Cargo subsequently mortgaged against assured's wishes—Whether "takings at sea"—Whether "theft"—Expenses incurred in recovering cargo—Whether incurred to avert or diminish loss covered by policy—Liability of insurers under policy.
Nishina Trading Co. Ltd. v. Chiyoda Fire and Marine Insurance Co. Ltd., Donaldson J. [1968] 1 W.L.R. 1325.
C.A. [1969] 2 Q.B. 449; [1969] 2 W.L.R. 1094.

Confiscation of vessel

Lloyd's policy—F.c. and s. clause deleted—Institute War and Strikes Clauses (Hulls-Time) incorporated—Vessel seized by Vietnamese authorities for carrying unmanifested goods—Confiscation of vessel ordered by special court—Whether loss by "restraint of people" and/or "barratry"—Validity of notice of abandonment—Whether vessel "constructive total loss" or "actual total loss"—Whether loss fell within exception clause—Marine Insurance Act, 1906, ss. 57 (1), 60 (2) (ii), 62 (2), Sch. 1, r. 10 of Rules for Construction of Policy. **Panamanian Oriental Steamship Corpn. v. Wright,** Mocatta J. [1970] 2 Lloyd's Rep. 365.

Geographical limits

Vessel covered "whilst within the United Kingdom, ashore or afloat"—Voyage from England to Channel Islands—Dismasted in mid-channel—Whether insurers liable—Whether Channel Islands within United Kingdom—Interpretation Act, 1889, s. 18 (1).
Navigators and General Insurance Co. Ltd. v. **Ringrose,** C.A. [1962] 1 W.L.R. 173.

Limitation period

United States—Policy stating action against insurers barred after one year from loss of goods—Action brought after end of limitation period—Whether insurers estopped from pleading limitation clause. **Magna Mercantile Co. Inc. v. Great American Insurance Co.,** New York County Supreme Ct. [1970] 1 Lloyd's Rep. 350.

Non-delivery

Payment of claim—Goods subsequently found—Loss due to delay—Whether owner of goods liable to reimburse insurer—Effect of receipt signed by owner's employee.
Federation Insurance Co. of Canada v. Coret Accessories Inc., Collins J. (Quebec Superior Ct.) [1968] 2 Lloyd's Rep. 109.

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Marine—*continued.*

Repudiation

United States—Total loss of vessel—Repudiation of liability by insurer—Non-disclosure of material facts—Waiver—Implied warranty of seaworthiness.
The Papoose, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 178.

Subrogation

Applicability of general doctrine—Total loss payment—Damages in excess of payment subsequently recovered by assured—Valued policy—Whether assured entitled to retain excess—Whether insurer's rights limited to recovery of amount in fact paid—" Subrogated "—Marine Insurance Act, 1906, s. 79 (1).
Yorkshire Insurance Co. Ltd. v. Nisbet Shipping Co. Ltd., Diplock J. [1962] 2 Q.B. 330; [1961] 2 W.L.R. 1043.

India—Whether insurers entitled to sue carrier in their own name—Indian Transfer of Property Act, s. 135A.
Oriental Fire & General Insurance Co. Ltd. v. American President Lines Ltd., Bombay High Ct. [1968] 2 Lloyd's Rep. 372.

United States—Waiver of subrogation clause—Whether assured (cargo-owner) " affiliated and/or associated and/or allied " with shipowner—Whether vessel " chartered " by assured. **The Marine Sulphur Queen,** U.S. District Ct. [1970] 2 Lloyd's Rep. 285.

United States

Direct action not precluded by words of policy—Applicability of Louisiana statute to marine insurance policies—Insurer not entitled to plead assured's right to limit liability for casualty—Louisiana Direct Action Statute (La.R.S. 22, s. 655 (Supp. 1964)).
The G–H, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 430.

Fisherman excluded from coverage of protection and indemnity policies—Loss of livelihood—Conspiracy—Exclusion justified.
Goulart v. Trans-Atlantic Marine Inc., Massachusetts Superior Ct. [1970] 2 Lloyd's Rep. 389.

" Inchmaree " clause and " watchman " clause incorporated in policy—Sinking of tug—" Want of due diligence by assured " not established—Whether non-compliance with " watchman " clause—Insurers not liable.
F. B. Walker & Sons Inc. v. Valentine, U.S. Ct. of Appeals [1970] 2 Lloyd's Rep. 429.

Loss of fishing vessel, skiff and cargo—Perils insured against—Fire due to electrician's negligence—" Inchmaree " clause—Negligence of " mariners "—Attachment of risk—Failure to report amount of catch of fish.
The Belle of Portugal, U.S. Ct. of Appeals [1970] 2 Lloyd's Rep. 386.

Vessels in dry dock

Ship-repairer's liability—Damage to vessel and dry dock—Whether damage to assured's dry dock covered under policies incorporating Institute Clauses for Builders' Risks.
American Ship Building Co. v. Orion Insurance Co. Ltd., U.S. District Ct. [1969] 2 Lloyd's Rep. 251.

War risks

P. & I. Club policies to pay reasonable expenses resulting from diversion of ship on voyage already commenced—Direction by Club that no vessel in Club should enter Suez Canal—Vessels commenced ballast voyage before direction and loaded voyage after direction—Whether vessels were " on a voyage already commenced "—Meaning of " voyage."
The Mitera, Roskill J. [1968] 2 Lloyd's Rep. 124.
C.A. [1969] 1 Lloyd's Rep. 359.

Motor vehicle

Condition

" No liability shall be admitted . . . to third parties "—Verbal and written admission of liability by assured on day of accident—Whether policy condition contrary to public policy—Whether insurers prejudiced. **Terry v. Trafalgar Insurance Co. Ltd.,** Judge Graham Rogers [1970] 1 Lloyd's Rep. 524.

Notice of claim to be given within five days—Insured's failure to notify—Whether insurers' right to repudiate liability must be exercised within reasonable time.
Allen v. Robles (Compagnie Parisienne de Garantie Third Party), C.A. [1969] 1 W.L.R. 1193.

Condition precedent

Third party risks—Condition requiring notice of accident and intended prosecution by insured—Insured's failure to give notice—Insurers' knowledge from other sources —Whether insurers entitled to rely on condition —Whether condition waived.
Barrett Bros. (Taxis) Ltd. v. Davies, C.A. [1966] 1 W.L.R. 1334.

Contract

Damaged car taken to garage by owner for repair—Estimate submitted to and accepted by insurers—Payment made by insurers—Whether contract between garage and owner.
Charnock v. Liverpool Corpn., C.A. [1968] 1 W.L.R. 1498.

INSURANCE—*continued.*

Motor vehicle—*continued.*

Cover note

Period of risk—Effective time of commencement of risk 11.45 a.m. on specified day—Valid for "15 days from date of commencement of insurance"—"Date of commencement"—Meaning of—Time of expiry. **Cartwright v. MacCormack (Trafalgar Insurance Co. Ltd. Third Party)**, C.A. [1963] 1 W.L.R. 18.

Exception clause

Condition requiring insured to take precautions to keep motor coach in good state of repair—Exclusion of liability of insurers if driven in unsafe condition—Whether obligation on insured to take due and reasonable precautions—Accident caused by insured's inadequate system of maintenance and repair—Whether insurers entitled to recover sums paid under the Road Traffic Act, 1960, s. 206.
Liverpool Corpn. v. T. & H. R. Roberts, Cumming-Bruce J. [1965] 1 W.L.R. 938.

Insurers not liable while car "being driven in an unsafe or unroadworthy condition"—Car grossly overloaded—Braking, steering and control of car adversely affected by overloading—Whether overloaded car driven in unsafe and/or unroadworthy condition—Whether insurers liable. **Clarke v. National Insurance and Guarantee Corpn. Ltd.**,
Davies L.J. [1963] 2 Q.B. 790; [1963] 2 W.L.R. 1396.
C.A. [1964] 1 Q.B. 199; [1963] 3 W.L.R. 710.

Load falling from lorry—Injury to pedestrian—Liability excluded if injury caused by "spreading of material . . . from the insured vehicle or load"—Also if vehicle "driven or used in an unsafe condition"—Whether insurers liable.
A. P. Salmon Contractors Ltd. v. Monksfield, Judge Graham Rogers [1970] 1 Lloyd's Rep. 387.

Exclusion clause

"Hire or reward other than public hire." **Vant v. Cripps**, Divl.Ct. (1963) 62 L.G.R. 88.

Insured suffering from coronary thrombosis six days after motor accident—Pre-existing arterial disease—Whether "bodily injury sustained in accident and exclusive of all other causes"—"Accident"—"Physical defect or infirmity".
Jason v. Batten (1930) Ltd., Fisher J. [1969] 1 Lloyd's Rep. 281.

Insurers not liable if "bodily injury . . . sustained whilst under the influence of . . . intoxicating liquor"—"Whilst"—"Under the influence of intoxicating liquor."
Louden v. British Merchants Insurance Co. Ltd., Lawton J. [1961] 1 W.L.R. 798.

Joint policy

Motor vehicle insured in names of hirer and owner—Vehicle damaged by deliberate act of hirer—Claim by owner in his own name—Whether damage was "accidental"—Whether policy was joint.
Lombard Australia Ltd. v. N.R.M.A. Insurance Ltd., Ct. of App. N.S.W. [1969] 1 Lloyd's Rep. 575.

Non-disclosure of material facts

Australia—Proposal form containing "basis" clause—Untrue answer to question—Non-disclosure—Misrepresentation—Materiality—Liability of insurer—Expert evidence in insurance cases—(Australian) Instruments Act, 1958, s. 25.
Babatsikos v. Car-Owners' Mutual Insurance Co. Ltd., Victoria C.A. [1970] 2 Lloyd's Rep. 314.

Passenger

Fellow employee being driven to work—Car lent by employers to employee—Condition that when used to travel to work fellow employee would be taken—Whether fellow employee carried by reason of or in pursuance of contract of employment.
Vandyke v. Fender, Paull J. [1969] 2 Q.B. 581; [1969] 3 W.L.R. 217.

Mutual insurance company

Liquidation

Accumulated premiums—Whether capital or income.
Brogan v. Staffordshire Coal and Iron Co. Ltd., C.A. [1962] 1 W.L.R. 1195.
H.L.(E.) [1963] 1 W.L.R. 905.

National insurance. *See* NATIONAL INSURANCE.

Non-disclosure

Effect

Alleged failure to disclose practice of smuggling in foreign country—Policy with foreign jurisdiction clause—Whether contract void ab initio—Whether clause binding.
Mackender v. Feldia A.G., C.A. [1967] 2 Q.B. 590; [1967] 2 W.L.R. 119.

Material facts

Assured knowing facts which reasonable man would realise underwriter would regard as material—Effect of failure to disclose—"All risks" policy on goods—Government surplus described as "New men's clothes in bales"—Whether underwriters put on inquiry—Waiver. **Anglo-African Merchants Ltd. v. Bayley**,
Megaw J. [1970] 1 Q.B. 311; [1969] 2 W.L.R. 686.

INSURANCE—*continued.*

Penalty clause. *See* CONTRACT.

Pension scheme. *See* FATAL ACCIDENTS ACTS (**Damages**).

Policy

Notice of cancellation

"Extensions held covered at premium to be arranged"—No agrement on "reasonable premium"—Liability of insured to pay reasonable amount on account—Whether insurer not bound to provide cover in event on non-payment—Whether notice of cancellation given by insurer reasonable.
Kirby v. Cosindit Societa per Azioni, Megaw J. [1969] 1 Lloyd's Rep. 75.

Professional indemnity policy

Limit of liability

"£3,000 in respect of any claim or claims arising out of the same occurrence" and "£15,000 in respect of all claims under this policy"—Solicitor's assistant advising widow to become administratrix of estate of deceased husband—Actions against estate by widow and other persons barred because not begun within six months of grant—Claims against solicitor—Whether arising out of same "occurrence"—Damages and costs—Insurers repudiating liability in excess of £3,000—Whether costs incurred by solicitor in contesting quantum claims recoverable.
Forney v. Dominion Insurance Co. Ltd., Donaldson J. [1969] 1 W.L.R. 928.

Public policy

Indemnity policy

Indemnity against damages payable in respect of personal injury caused by accidents—Defendant threatened deceased with loaded shotgun and killed him by firing it unintentionally—Whether death an "accident" within policy—Whether contrary to public policy for defendant to be entitled to indemnity.
Gray v. Barr (Prudential Assurance Co. Ltd. Third Party), Geoffrey Lane J. [1970] 2 Q.B. 626; [1970] 3 W.L.R. 108.

Marriage, restraint on

Policy against marriage—Insurer indemnified by bank—Bank indemnified by policy-holder—Whether policy enforceable.
In re **Michelham's Will Trusts,** Buckley J. [1964] Ch. 550; [1963] 2 W.L.R. 1238.

Third party insurance

Criminal use of vehicle on a road—Contract of insurance unenforceable by assured in respect of own criminal act—Whether enforceable by injured third party.
Hardy v. Motor Insurers' Bureau, C.A. [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433.

Risk

All risks

Faulty design—Contractors all risks insurance—Damage by flood waters to piers of bridge under construction—Whether within exclusion of damage due to faulty design—Meaning of "faulty design."
Queensland Government Railways v. Manufacturers' Mutual Insurance Ltd.,
Queensland Supreme Ct. [1968] 1 Lloyd's Rep. 403.
Australia High Ct. [1969] 1 Lloyd's Rep. 214.

"To pay up to £1,000 in the event of . . . loss of . . manuscripts . . . resulting in the necessity for the Assured to rewrite"—Whether insurers liable if works not rewritten—Effect of Mutual Assessors Clause.
Frewin v. Poland, Donaldson J. [1968] 1 Lloyd's Rep. 100.

Period of. *See* TIME, COMPUTATION OF.

"Theft"

Stockbrokers policy—Shares given to customer for worthless cheques—Whether loss constituted a "theft" within Lloyd's In and Out stockbrokers policy—Effect of rule of plaintiffs' office that shares should not be handed over until cheques had been cleared—Singapore. **Lim Trading Co. v. Haydon,** Singapore High Ct. [1968] 1 Lloyd's Rep. 159.

Subrogation

Damage to motor car

Garage paid by insurers—No satisfaction note signed by assured—Whether insurers entitled to sum recovered by assured from third parties.
Scottish Union & National Insurance Co. v. Davis, C.A. [1970] 1 Lloyd's Rep. 1.

Legal assignment to insurer of rights against third party

Whether rights against contract-breaker enforceable by insurer—Whether insurer entitled to more than sum paid to assured. **Compania Colombiana de Seguros v. Pacific Steam Navigation Co.,** Roskill J. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484.

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Damages in excess of payment subsequently recovered by assured—Rights of insurer—Implied term—Valued policy—Marine Insurance Act, 1906, s. 79 (1).
Yorkshire Insurance Co. Ltd. v. Nisbet Shipping Co. Ltd., Diplock J. [1962] 2 Q.B. 330; [1961] 2 W.L.R. 1043.

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Goods—" Temporarily housed during the course of transit "—Goods delivered to haulier's premises by consignors in consignors' vehicle—Goods stolen while temporarily housed in hauliers' premises awaiting loading on their vehicle—Whether within policy covering goods " whilst temporarily housed during the course of transit whether on or off the vehicles."
Crows Transport Ltd. v. Phoenix Assurance Co. Ltd., C.A. [1965] 1 W.L.R. 383.

" In transit "

Policy taken out by carriers on goods the property of third party—Cover " whilst being carried and/or in transit, anywhere in the United Kingdom including loading and unloading. Including risk during halts and/or whilst garaged and/or elsewhere overnight " — Goods stolen from depôt of consignees before unloading and whilst in their care—Policy covering all risks of loss or damage however arising—Whether goods in transit and/or garaged overnight—Whether proprietary interests of third party covered—Whether carriers could recover as trustees for the third party.
A. Tomlinson (Hauliers) Ltd. v. Hepburn, C.A. [1966] 1 Q.B. 21; [1965] 2 W.L.R. 634.
H.L.(E.) [1966] A.C. 451; [1966] 2 W.L.R. 453.

Theft of vehicles

Theft of lorries loaded with copper wire—Policy excluding liability for " Thefts of . . . vehicles left unattended between 6 p.m. and 6 a.m. . . . unless . . . such vehicle is locked and parked in a yard which is fully enclosed and securely closed and locked "—Whether clause could not be complied with and 20 per cent. co-insurance applied—Duty on road carriers to plan their journeys—Road Traffic Act, 1960, s. 73.
J. Lowenstein & Co. Ltd. v. Poplar Motor Transport (Lymm) Ltd., Nield J. [1968] 2 Lloyd's Rep. 233.

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Goods in transit insurance—Loss of brass ingots—" Warranted vehicles garaged in locked garage at night "—Whether warranty breached.
A. Cohen & Co. Ltd. v. Plaistow Transport Ltd., MacKenna J. [1968] 2 Lloyd's Rep. 587.

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United Marketing Co. v. Kara, P.C. [1963] 1 W.L.R. 523.

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Whether breach of warranty waived.
Allan Peters (Jewellers) Ltd. v. Brocks Alarms Ltd., Megaw J. [1968] 1 Lloyd's Rep. 387.

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Allan Peters (Jewellers) Ltd. v. Brocks Alarms Ltd., Megaw J. [1968] 1 Lloyd's Rep. 387.

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Magee v. Pennine Insurance Co. Ltd., C.A. [1969] 2 Q.B. 507; [1969] 2 W.L.R. 1278.

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Slattery v. Mance, Salmon J. [1962] 1 Q.B. 676; [1962] 2 W.L.R. 569.

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Harbutt's " Plasticine " Ltd. v. Wayne Tank and Pump Co. Ltd., C.A. [1970] 1 Q.B. 447; [1970] 2 W.L.R. 198.

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Canada—Successful action by plaintiff cargo owner for "damages sustained by cargo"—Reference to registrar of "damages and interest . . . the subject of dispute"—Whether registrar entitled to award interest in respect of period prior to his report.
The Lake Bosomtwe (No. 2), Canada Exchequer Ct. [1970] 2 Lloyd's Rep. 425.

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Principle governing rate of interest to be awarded.
Nishina Trading Co. Ltd. v. Chiyoda Fire and Marine Insurance Co. Ltd., Donaldson J. [1968] 1 W.L.R. 1325.

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Personal injury damages—Award for amenity loss and future earnings increased on appeal—Interest awarded on whole increase from judgment date less automatic interest running on unsatisfied judgment.
Cook v. J. L. Kier & Co. Ltd., C.A. [1970] 1 W.L.R. 774.

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The Mecca, Brandon J. [1968] P. 665; [1968] 3 W.L.R. 497.

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Jefford v. Gee, C.A. [1970] 2 Q.B. 130; [1970] 2 W.L.R. 702.

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J. & J. Colman Ltd. v. Comrs. of Customs and Excise, C.A. [1968] 1 W.L.R. 1286.

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Personal injury damages

Principles applicable—Law Reform (Miscellaneous Provisions) Act, 1934, s. 3 (1)—Administration of Justice Act, 1969, s. 22.
Jefford v. Gee, C.A. [1970] 2 Q.B. 130; [1970] 2 W.L.R. 702.

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Adams v. Adams (Attorney-General Intervening), Sir Jocelyn Simon P. [1970] 3 W.L.R. 934.

————————————————————Whether conceptions of international law as to de facto or de jure status applicable in courts of lawful sovereign—Southern Rhodesia.
Madzimbamuto v. Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

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Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 2),
C.A. [1965] Ch. 596; [1965] 2 W.L.R. 277.
H.L.(E.) [1967] 1 A.C. 853; [1966] 3 W.L.R. 125.

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Carl Zeiss Stiftung v. Rayner & Keeler Ltd., C.A. [1965] Ch. 525; [1964] 3 W.L.R. 905.

"Exchange contract"—Currency regulations of fellow-member of International Monetary Fund—Transaction between parties resident in England to provide foreign visitor with sterling—Foreign visitor acting contrary to currency regulations of country in which resident—Whether English residents' transaction "exchange contract" unenforceable in England—Bretton Woods Agreements Act, 1945—Bretton Woods Agreements Order, 1946, Sch., Pt. I, art. 8, s. 2 (*b*).
Sharif v. Azad, C.A. [1967] 1 Q.B. 605; [1966] 3 W.L.R. 1285.

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In re **Al-Fin Corpn.'s Patent,** Graham J. [1970] Ch. 160; [1969] 2 W.L.R. 1405.

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Reg. v. Kent Justices, *Ex parte* **Lye,** Divl.Ct. [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765.

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Tax agreement—Not preventing state from protecting own revenue law from gross abuse.
Inland Revenue Comrs. v. Collco Dealings Ltd., H.L.(E.) [1962] A.C. 1; [1961] 2 W.L.R. 401.

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Geneva Convention—Members of armed forces engaged in sabotage in civilian clothes—Members captured when so dressed—Whether protected by Geneva Convention—"Prisoners of war"—Geneva Convention, 1949, art. 4A—Geneva Convention Act, 1962 (Malaya) No. 5 of 1962, Sch. 3. **Osman Bin Haji Mohamed Ali v. Public Prosecutor,** P.C. [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076.

——————Whether nationals of detaining power protected—Whether protection given to non-nationals owing allegiance to detaining power—Provisional protection when "a doubt arises" as to status—Extent—Whether for accused to raise doubt—Inquiry into status not precluded by absence of notice to protecting power—Point not taken at trial—Whether subsequent conviction a mistrial—Members of regular forces fighting in enemy territory—Whether "any person" subject to domestic security legislation—Consent of public prosecutor to prosecution—Whether implied in prosecution—Malaysia—Internal Security Act, 1960 (Malaya), No. 18 of 1960, ss. 57 (1), 58 (1), 80—Geneva Conventions Act, 1962 (Malaya), No. 5 of 1962, ss. 2, 4 (1), Sch. 3, arts. 4A, 5.
Public Prosecutor v. Oie Hee Koi, P.C. [1968] A.C. 829; [1968] 2 W.L.R. 715.

INTERPLEADER. *See* PRACTICE.

INTIMIDATION
Ingredients of tort
Procuring breach of contract
Right to strike—Threat by trade union officers to induce breach of contract in contemplation of trade dispute—Threats directed to plaintiff company to induce trade union recognition by associated company—No yielding to threats by plaintiff company—Threats inducing breaches of contracts of employment by union members—Acts of union members harming plaintiff company—Whether threat to induce breach of contract of employment actionable at instance of plaintiff company—Right to strike guaranteed by statute—Trade Disputes Act, 1906, s. 3.
J. T. Stratford & Son Ltd. v. Lindley, C.A. [1965] A.C. 269; [1964] 2 W.L.R. 1002.

INTIMIDATION—*continued.*

Ingredients of tort—*continued.*

Threat to break a contract

Trade dispute—Act harming plaintiff—Threat by members of union to strike unless plaintiff fellow-worker removed from employment—Threat to withdraw labour in breach of contracts of employment—Whether criminal or tortious act—Whether unlawful act—Whether actionable at suit of plaintiff—" Unlawful "—Meaning of.

Rookes v. Barnard, Sachs J. [1963] 1 Q.B. 623; [1961] 3 W.L.R. 438.
C.A. [1963] 1 Q.B. 623; [1962] 3 W.L.R. 260.
H.L.(E.) [1964] A.C. 1129; [1964] 2 W.L.R. 269.

Threat to break a contract with person threatened

Whether constituting tort of intimidation—Threat by trade union official to employer to call strike in breach of contract of employment—Whether actionable—Whether protected by section 3 of Trade Disputes Act, 1906.

J. T. Stratford & Son Ltd. v. Lindley, H.L.(E.) [1965] A.C. 269; [1964] 3 W.L.R. 541.

Threat to induce breach of contract

Trade dispute—Trade union official's strike notice unless workman rejoins union—Employers' dismissal of workman by notice under contract of service—Whether strike notice threat of breach of contract—Whether strike notice of proper length lawful—Whether intimidation—Whether plea of justification available—Whether protected by section 3 of Trade Disputes Act, 1906—Whether " induces " includes threat to induce—Trade Disputes Act, 1906, s. 3.

Morgan v. Fry, Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.
C.A. [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506.

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Marriage

Divorce—Parties domiciled in England—Divorce in England followed by marriage of former husband to second wife in Dublin—Whether marriage valid—Whether decree recognisable in Ireland—Constitution of Ireland of 1937, art. 41, s. 3.

Breen (orse. Smith) v. Breen, Karminski J. [1964] P. 144; [1961] 3 W.L.R. 900.

IRON AND STEEL

Foundry

Safety regulations

Cupola or furnace—Plaintiff collecting molten metal from cupola—Working within 12 feet of cupola's spout—Whether necessary for the proper use of the cupola—Whether breach of statutory duty—Iron and Steel Foundries Regulations, 1953, reg. 5.

Lewis v. Matthew Swain Ltd., C.A. (1969) 6 K.I.R. 481.

Gangways and pouring aisles—Employee preparing mould for casting—Handle obstructing pouring aisle—Employee carrying molten metal in hand shank with untrained foreign labourer—Employee loosing balance due to labourer's failure to stop when told—" Sufficient and clearly defined pouring aisles "—" Obstruction "—Iron and Steel Foundries Regulations, 1953, reg. 6 (2) (*a*).

Hawkins v. Ian Ross (Castings) Ltd., Fisher J. [1970] 1 All E.R. 180.

Renationalisation

Compensation for loss of employment

Iron and Steel Holding and Realisation Agency—Return of steel companies to private ownership—Sale by agency of steel company to consortium—Sale by consortium to two companies—Closure of company—Loss of employment—Whether loss of employment " in consequence of " original sale—Whether intervening sale novus actus interveniens—Whether knowledge of probable closure to be imputed to agency at time of first sale—Iron and Steel Act, 1953, ss. 1, 18, 24 (1)—Iron and Steel (Compensation to Officers and Servants) (No. 2) Regulations, 1953, regs. 3 (1), 9 (as amended by Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations, 1964).

Iron and Steel Holding and Realisation Agency v. Compensation Appeal Tribunal, Divl.Ct. [1966] 1 W.L.R. 480.

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Search or entry

Right of individual not to be subjected to—Evidence obtained by unauthorised search—Whether court's discretion to admit evidence taken away by constitutional right—Jamaica (Constitution) Order in Council, 1962, Sch. 2, s. 19.

King v. The Queen, P.C. [1969] 1 A.C. 304; [1968] 3 W.L.R. 391.

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King v. The Queen, P.C. [1969] 1 A.C. 304; [1968] 3 W.L.R. 391.

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Phillips v. The Queen, P.C. [1969] 2 A.C. 130; [1969] 2 W.L.R. 581.

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Acquittal on murder charge—Disagreement of jury on manslaughter—Effect—Whether proof of acquittal of manslaughter—Requisites for plea of autrefois acquit—Whether jury can be directed to give a partial verdict—Whether not bound to return a special verdict—Effect of partial verdict—Constitution of Jamaica, 1965, Chap. III, "Fundamental Rights and Freedoms," ss. 1 (1), 8, 13, 20, 20 (8), 25, 26 (8)—Jury Law (Laws of Jamaica, 1953 Rev., vol. 4, c. 186), ss. 44, 45, p. 2796.
Director of Public Prosecutions v. Nasralla, P.C. [1967] 2 A.C. 238; [1967] 3 W.L.R. 13.

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Deductions—Company acquiring and leasing property—Claim to deduction for wear and tear of building occupied by tenant—Whether company's taxable profits arising from "business" of leasing property—Whether building "used" by company for purposes of acquiring income from that business—Income Tax Law, 1954 (No. 59), ss. 5, 8 (*o*).
Comr. of Income Tax v. Hanover Agencies Ltd., P.C. [1967] 1 A.C. 681; [1967] 2 W.L.R. 565.

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United Dominions Corpn. (Jamaica) Ltd. v. Shoucair, P.C. [1969] 1 A.C. 340; [1968] 3 W.L.R. 893.

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King v. The Queen, P.C. [1969] 1 A.C. 340; [1968] 3 W.L.R. 391.

JOINT INTEREST

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Husband and wife

Joint tenancy of matrimonial home and business—Differing judicial views.
Bedson v. Bedson, C.A. [1965] 2 Q.B. 666; [1965] 3 W.L.R. 891.

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Joint tenancy of matrimonial home—Wife's summons under Married Women's Property Act, 1882—Application for order for sale and half proceeds—Whether operating as severance—Law of Property Act, 1925, s. 36.
In re **Draper's Conveyance,** Plowman J. [1969] 1 Ch. 486; [1968] 2 W.L.R. 166.

JOINT TORTFEASORS

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Two defendants

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Maxfield v. Llewellyn, C.A. [1961] 1 W.L.R. 1119.

Contribution or indemnity

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"Entitled to be indemnified"—Based on estoppel by record—Law Reform (Married Women and Tortfeasors) Act, 1935, s. 6 (1) (*c*) (2).
Randolph v. Tuck, Lawton J. [1962] 1 Q.B. 175; [1961] 2 W.L.R. 855.

JOINT TORTFEASORS—*continued.*

Contribution or indemnity—*continued.*

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Hart v. Hall & Pickles Ltd., C.A. [1969] 1 Q.B. 405; [1968] 3 W.L.R. 744.

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Libel

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Allegations of express malice against author, publishers and printers—Possibility of finding defendants joint tortfeasors—Release or covenant not to sue.
Gardiner v. Moore, Thesiger J. [1969] 1 Q.B. 55; [1966] 3 W.L.R. 786.

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Observations in favour of one party

Refusal by other party to take further part in hearing—Whether grounds for rehearing—Divorce. **Brassington v. Brassington,** C.A. [1962] P. 276; [1961] 3 W.L.R. 1411.

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Broadhurst v. The Queen, P.C. [1964] A.C. 441; [1964] 2 W.L.R. 38.

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Reg. v. Cleghorn, C.A. [1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421.

Distinction between discourteous conduct and conduct prejudicial to the defence.
Reg. v. Hircock, C.A. [1970] 1 Q.B. 67; [1969] 2 W.L.R. 29.

Witness—Witness named on back of indictment—Witness not called by prosecution—Judge's discretion to call witness. **Reg. v. Oliva,** C.C.A. [1965] 1 W.L.R. 1028.

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Rehearing before another judge—Whether transcript of evidence already given admissible at rehearing without recalling witnesses.
The Forest Lake, Karminski J. [1968] P. 270; [1967] 2 W.L.R. 11.

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Bromley v. Bromley, C.A. [1965] P. 111; [1964] 3 W.L.R. 666.

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Australian decision

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Desirability of uniformity—Hague Rules—High Court of Australia.
Midland Silicones Ltd. v. Scruttons Ltd., H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

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Exemplary damages for libel.
Fielding v. Variety Incorporated, C.A. [1967] 2 Q.B. 841; [1967] 3 W.L.R. 415.

Whether Australian court should follow House of Lords—Who English court should follow.
Andrews v. Freeborough, C.A. [1967] 1 Q.B. 1; [1966] 3 W.L.R. 342.

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Crime—Whether admissibility of confession for judge and jury—Australia followed.
Reg. v. Burgess, C.A. [1968] 2 Q.B. 112; [1968] 2 W.L.R. 1209.

Decision of High Court of Australia in 1962 applied—Assault—Provocation—Damages.
Lane v. Holloway, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

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Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.

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Common law

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Construction—Assistance from interpretation of similar statutes in other Commonwealth countries.
Patel v. Comptroller of Customs, P.C. [1966] A.C. 356; [1965] 3 W.L.R. 1221.

Patent case

Homogeneous development of law where British system of legislation in force—New Zealand decision. **Reg. v. Patents Appeal Tribunal,** *Ex parte* **Swift & Co.,** Divl.Ct. [1962] 2 Q.B. 647; [1962] 2 W.L.R. 897.

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"Descendant"—Employers' Group Life Assurance Scheme for benefit of relations of deceased employees—"Relations" defined as including "any . . . descendant . . . of the member"—Illegitimate child of member—Whether qualifying as "descendant"—Whether to be construed on ordinary meaning or as term of art.
Sydall v. Castings Ltd., C.A. [1967] 1 Q.B. 302; [1966] 3 W.L.R. 1126.

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Campbell Discount Co. Ltd. v. Bridge, C.A. [1961] 1 Q.B. 445; [1961] 2 W.L.R. 596.

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Ross Smith (orse. Radford) v. Ross Smith, C.A. [1961] P. 39; [1961] 2 W.L.R. 71.

Mode of trial held to be in complete discretion of judge in chambers—Judge's order for trial with a jury of action for severe personal injuries—Evolution of practice requiring principle of uniformity—Interference with discretion—Earlier decision held outmoded.
Sims v. William Howard & Son Ltd., C.A. [1964] 2 Q.B. 409; [1964] 2 W.L.R. 794.

Construction of contract

Whether binding on lower court. **Thomas Borthwick (Glasgow) Ltd. v. Bunge & Co.,** Browne J. [1969] 1 Lloyd's Rep. 17.

Construction of identical clause in hire-purchase agreement

Whether previous decision of Court of Appeal binding.
Lombank Ltd. v. Excell, C.A. [1964] 1 Q.B. 415; [1963] 3 W.L.R. 700.

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Doctrine of stare decisis not applied with rigidity—Opinion that law misapplied or misunderstood in earlier decision—Previous opinions of Court of Appeal or Court of Criminal Appeal. **Reg. v. Gould,** C.A. [1968] 2 Q.B. 65; [1968] 2 W.L.R. 643.

Sentencing—Exercise of discretion—Direction by three judge court—Whether binding on five judge court—Issue going to guilt or innocence—Whether doctrine of stare decisis applicable. **Reg. v. Newsome,** C.A. [1970] 2 Q.B. 711; [1970] 3 W.L.R. 586.

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Whether Court of Appeal to follow prior decision.
Hanning v. Maitland (No. 2), C.A. [1970] 1 Q.B. 580; [1970] 2 W.L.R. 151.

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Boys v. Chaplin, C.A. [1968] 2 Q.B. 1; [1968] 2 W.L.R. 328.

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Lombank Ltd. v. Cook, Winn J. [1962] 1 W.L.R. 1133.

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Browning v. War Office, C.A. [1963] 1 Q.B. 750; [1963] 2 W.L.R. 52.

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Gallie v. Lee, C.A. [1969] 2 Ch. 17; [1969] 2 W.L.R. 901.

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McCarey v. Associated Newspapers Ltd. (No. 2), C.A. [1965] 2 Q.B. 86; [1965] 2 W.L.R. 45.

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Jag Singh v. Toong Fong Omnibus Co. Ltd., P.C. [1964] 1 W.L.R. 1382.

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Salih v. Atchi, P.C. [1961] A.C. 778; [1961] 2 W.L.R. 969.

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Reg. v. Button; Reg. v. Swain, C.C.A. [1966] A.C. 591; [1965] 2 W.L.R. 992.
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C.A. [1962] 1 Q.B. 498; [1961] 3 W.L.R. 1083.
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Campbell College, Belfast (Governors) v. Northern Ireland Valuation Comr., H.L.(N.I.) [1964] 1 W.L.R. 912.

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C. Czarnikow Ltd. v. Koufos, C.A. [1966] 2 Q.B. 695; [1966] 2 W.L.R. 1397.
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Statute re-enacted in same terms—Decision erroneous and unjust—Affiliation jurisdiction.
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Haley v. London Electricity Board, H.L.(E.) [1965] A.C. 778; [1964] 3 W.L.R. 479.

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Practice Statement (Judicial Precedent), H.L.(E.) [1966] 1 W.L.R. 1234.

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Richard West & Partners (Inverness) Ltd. v. Dick, Megarry J. [1969] 2 Ch. 424; [1969] 2 W.L.R. 383.

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Rondel v. Worsley, Lawton J. [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300.

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Judd v. Minister of Pensions and National Insurance, Edmund Davies J. [1966] 2 Q.B. 580; [1966] 2 W.L.R. 218.

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Birmingham Citizens Permanent Building Society v. Caunt, Russell J. [1962] Ch. 883; [1962] 2 W.L.R. 323.

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In re **Electrical Installations at the Exeter Hospital Agreement,** R.P.Ct. (E. & W.) [1970] 1 W.L.R. 1391.

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Daley v. Hargreaves, Divl.Ct. [1961] 1 W.L.R. 487.

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Westward Television Ltd. v. Hart, Pennycuick J. [1969] 1 Ch. 201; [1968] 1 W.L.R. 504.
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Carriage by air
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————————Matter of international concern.
Corocraft Ltd. v. Pan American Airways Inc., Donaldson J. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 714.
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————————Measure of damages for delayed delivery of goods under charterparty.
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Hannam v. Bradford Corpn., C.A. [1970] 1 W.L.R. 937.

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Sammy-Joe v. G.P.O. Mount Pleasant Office, Pennycuick J. [1967] 1 W.L.R. 370.

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Royal v. Prescott-Clarke, Divl.Ct. [1966] 1 W.L.R. 788.

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"*Person aggrieved.*" (*See also* **Appeal to quarter sessions.**)

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Reg. v. Cardiff Justices, *Ex parte* **Cardiff Corpn.,** Divl.Ct. [1962] 2 Q.B. 436; [1962] 2 W.L.R. 771.

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Ferrant v. Stepney Borough Council, Divl.Ct. (1964) 62 L.G.R. 182.

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Withdrawal of abandonment—Whether jurisdiction to entertain appeal—Magistrates' Courts Act, 1952, s. 85—Magistrates' Courts Rules, 1952, r. 60.
Reg. v. Essex Quarter Sessions Appeals Committee, *Ex parte* **Larkin,** Divl.Ct. [1962] 1 Q.B. 712; [1961] 3 W.L.R. 1286.

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Appeal to quarter sessions against conviction for malicious wounding—Conviction for common assault substituted—Whether jurisdiction in quarter sessions or justices to convict of lesser offence. **Lawrence v. Same,** Divl.Ct. [1968] 2 Q.B. 93; [1968] 2 W.L.R. 1062.

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Jurisdiction to hear appeal when no grounds of appeal set out in notice of appeal—Notice of appeal—Betting office licence, refusal of—Notice of appeal to quarter sessions—Grounds of appeal not specified in notice of appeal—Whether quarter sessions jurisdiction to entertain appeal—Whether general law governing appeals ousted by comprehensive code—Quarter Sessions Act, 1849, s. 1—Betting, Gaming and Lotteries Act, 1963, Sch. 1, para. 21. **Reg. v. Middlesex Justices,** *Ex parte* **Schock,** Divl.Ct. [1965] 2 Q.B. 336; [1965] 2 W.L.R. 1293.

"*Person aggrieved*"

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Phillips v. Berkshire County Council, Divl.Ct. [1967] 2 Q.B. 991; [1967] 3 W.L.R. 565.

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Reg. v. Boldero, *Ex parte* **Bognor Regis Urban District Council,** Divl.Ct. (1962) 60 L.G.R. 292.

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Serious offence committed by defendants with no previous convictions—No other offences taken into consideration—Committal for sentence to quarter sessions—Whether committal valid—Whether matters revealed in connection with the offence reflecting on "character and antecedents"—Magistrates' Courts Act, 1952, ss. 19 (1) (2), 29.
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Reg. v. Woolwich Justices, *Ex parte* **Toohey,** Divl.Ct. [1967] 2 A.C. 1; [1966] 2 W.L.R. 402.
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Jurisdiction to hear—Information alleging more than one offence—Application to amend during trial—Whether too late to amend—" Shall not proceed to the trial "—Magistrates' Courts Rules, 1952, r. 14.
Hargreaves v. Alderson, Divl.Ct. [1964] 2 Q.B. 159; [1963] 2 W.L.R. 31.

Licensed betting office—Informations that defendant did unlawfully " admit and allow to remain on " premises youth apparently under 18—" Admitted to or allowed to remain on "—Whether two separate offences—Whether informations bad for duplicity—Betting and Gaming Act, 1960, s. 5, Sch. 2, para. 2—Magistrates' Courts Rules, 1952, r. 14 (1).
Mallon v. Allon, Divl.Ct. [1964] 1 Q.B. 385; [1963] 3 W.L.R. 1053.

Two separate offences charged in single information—Premises used for smoking or dealing in cannabis—Dangerous Drugs Act, 1965, s. 5.
Ware v. Fox; Fox v. Dingley, Divl.Ct. [1967] 1 W.L.R. 379.

" Wilfully or negligently " failing to comply with condition of road service licence—Whether charge bad for duplicity—Road Traffic Act, 1960, s. 134 (3).
G. Newton Ltd. v. Smith, Divl.Ct. [1962] 2 Q.B. 278; [1962] 2 W.L.R. 926.

Evidence in support

Offence alleged on specific day in August—Conviction—Appeal to quarter sessions—Evidence that offences committed in August—Conviction upheld—Whether proper on unamended information—Magistrates' Courts Act, 1952, s. 100.
Wright v. Nicholson, D.C. [1970] 1 W.L.R. 142.

Information on oath

Defence applying to see—Application made before committal proceedings—Order to hand over information to defence—Whether order valid—Magistrates' Courts Rules, 1952, rr. 12, 13. **Reg. v. Aylesbury Justices,** *Ex parte* **Wisbey,** Divl.Ct. [1965] 1 W.L.R. 339.

Information or complaint

Dangerous dog worrying livestock—Civil proceedings instituted by information—Criminal proceedings based on same evidence heard simultaneously—Validity—Dogs Act, 1871, s. 2—Dogs (Protection of Livestock) Act, 1953, s. 1.
Reg. v. Dunmow Justices, *Ex parte* **Anderson,** Divl.Ct. [1964] 1 W.L.R. 1039.

More than one

No power to try charges together without defendant's consent.
Brangwynne v. Evans, Divl.Ct. [1962] 1 W.L.R. 267.

No offence disclosed

Driving while disqualified alleged—Wrong section inserted in information—No particulars of offence given—Defendant disqualified until driving test passed—Driving with provisional licence without " L " plates—Whether defendant properly convicted on unamended information—Magistrates' Courts Act, 1952, s. 100.
Hunter v. Coombs, Divl.Ct. [1962] 1 W.L.R. 573.

Poaching—No allegation that defendant " obtained . . . game . . . or . . . used . . . article or thing . . . or . . . accessory "—Whether information void ab initio—Whether sustainable on appeal—Poaching Prevention Act, 1862, s. 2—Magistrates' Courts Act, 1952, s. 100. **Garman v. Plaice,** D.C. [1969] 1 W.L.R. 19.

Jurisdiction

Committal for contempt

Breach of custody order—Magistrates' Courts Act, 1952, s. 54.
B. (B. P. M.) v. B. (M. M.), D.C. [1969] P. 103; [1969] 2 W.L.R. 862.

Compensation order

Indictable offence—No application for order by person aggrieved—Forfeiture Act, 1870, s. 34 (as amended)—Magistrates' Courts Act, 1952, s. 34 (as amended).
Reg. v. Forest Justices, *Ex parte* **Coppin,** D.C. [1969] 1 W.L.R. 916.
Reg. v. Taylor, C.A. [1969] 1 W.L.R. 919.

Discretion

Refusal to hear information on ground oppressive and abuse of process—Information alleging defendant gipsy in March 1966, after dismissal of information alleging defendant gipsy in December, 1965—Whether jurisdiction to refuse to hear later information Whether later information oppressive and abuse of process of court.
Mills v. Cooper, Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

Functi officio

Announcement of conviction and fine—Dismissal of information after further argument—Whether justices have jurisdiction so to act—Whether functi officio.
Reg. v. Essex Justices, *Ex parte* **Final,** Divl.Ct. [1963] 2 Q.B. 816; [1963] 2 W.L.R. 38.

JUSTICES—*continued.*

Information—*continued.*

Functi officio—*continued.*

Plea of guilty—Direction that conviction be recorded in register—Remand in custody—Subsequent application to change plea—Whether power to permit.
Reg. v. Guest, *Ex parte* **Anthony,** Divl.Ct. [1964] 1 W.L.R. 1273.

——————Finding of guilt recorded in register—Remand in custody—Subsequent application to change plea—Whether power to permit.
S. (An Infant) v. Recorder of Manchester, H.L.(E.) [1970] 2 W.L.R. 21.

Sentence passed—Invalid sentence—Whether magistrates had jurisdiction to substitute valid sentence—Sentence substituted by Divisional Court on application for certiorari—Administration of Justice Act, 1967, s. 39.
Reg. v. Uxbridge Justices, *Ex parte* **Clark (Note),** D.C. [1968] 2 All E.R. 992.

Licensing. See LICENSING.

Restitution order

Stolen property in possession of third party—Oral application for restitution order at time of conviction of offender—Order made at later date—Whether jurisdiction to make order—Whether jurisdiction properly exercised—Larceny Act, 1916, s. 45.
Stamp v. United Dominions Trust (Commercial) Ltd., Divl.Ct. [1967] 1 Q.B. 418; [1967] 2 W.L.R. 541.

Serious offence

Not to be dealt with summarily by justices. **Reg. v. Everest,** C.A. (1968) 53 Cr.App.R. 20.

Stay of execution

Stay pending appeal—Custody order—Whether power to grant stay.
B. (B. P. M.) v. B. (M. M.), D.C. [1969] P. 103; [1969] 2 W.L.R. 862.

Territorial waters

Summary offences—Wireless Telegraphy Act, 1949, ss. 1 (1), 6 (1), 14 (1).
Reg. v. Kent Justices, *Ex parte* **Lye,** Divl.Ct. [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765.

Juvenile court

Explanation of charge

Whether detailed explanation of constituents of offence required—Summary Jurisdiction (Children and Young Persons) Rules, 1933, r. 6.
Reg. v. Blandford Justices, *Ex parte* **G. (An Infant),** Divl.Ct. [1967] 1 Q.B. 82; [1966] 2 W.L.R. 1232.

Jurisdiction

Defendant under 17 charged before juvenile court with wounding with intent—Remand with view to summary trial—Defendant attaining age of 17 while on remand—Further charge of attempted murder based on same facts preferred after defendant 17—Whether jurisdiction in juvenile court to try attempted murder charge summarily—Magistrates' Courts Act, 1952, s. 20. **Reg. v. Chelsea Justices,** *Ex parte* **Director of Public Prosecutions,** Roskill J. [1963] 1 W.L.R. 1138.

Licensing. *See* LICENSING.

Limitation

Continuing offence

Town planning—Breach of enforcement notice—Breaches more than six months prior to date of information. **Reg. v. Chertsey Justices,** *Ex parte* **Franks,** Divl.Ct. [1961] 2 Q.B. 152; [1961] 2 W.L.R. 442.

Course of conduct

Husband and wife—Cruelty—Persistent cruelty by husband—Complaint by wife—Incident occurring within six months of wife's complaint—Whether to be considered in light of previous cruelty—Whether sufficient "matter of complaint" in itself—Whether cruelty—Magistrates' Courts Act, 1952, s. 104.
Buxton v. Buxton, Divl.Ct. [1967] P. 48; [1965] 3 W.L.R. 1184.

Nemo debet bis vexare. *See* NEMO DEBET BIS VEXARE.

Peace

Recognisances to keep

Defendant bound over during hearing of charge—Whether jurisdiction to make order—No evidence that future breach of peace likely—Whether order valid—Justices of the Peace Act, 1361—Magistrates' Courts Act, 1952, s. 91 (1).
Reg. v. Aubrey-Fletcher, *Ex parte* **Thompson,** D.C. [1969] 1 W.L.R. 872.

Witness—No warning by court of contemplation to bind over—No opportunity accorded to witness to be heard—Witness bound over to keep peace—Whether contrary to natural justice.
Sheldon v. Bromfield Justices, Divl.Ct. [1964] 2 Q.B. 573; [1964] 2 W.L.R. 1066.

JUSTICES—*continued.*

Plea

Change of

Infant's plea of guilty—Conviction entered in register—Opportunity given at end of hearing to make statement—Subsequent application to change plea to not guilty—Whether justices right in refusing application.
Reg. v. Gore Justices, *Ex parte* **N. (An Infant),** Divl.Ct. [1966] 1 W.L.R. 1522.

Plea of guilty—Conviction entered in register—Defendant remanded for sentence—Whether evidence of acceptance of plea—Application to change plea to not guilty at adjourned hearing—Whether conviction complete—Magistrates' Courts Act, 1952, ss. 13 (3), 14 (3).
Reg. v. Guest, *Ex parte* **Anthony,** Divl.Ct. [1964] 1 W.L.R. 1273.

——————Juvenile offender consenting to be tried summarily—Conviction entered in register—Defendant remanded for medical report—Application to change plea to not guilty at adjourned hearing—Whether conviction complete—Magistrates' Courts Act, 1952, ss. 13 (3), 14 (3).
S. (An Infant) v. Recorder of Manchester, H.L.(E.) [1970] 2 W.L.R. 21.

Infants and unrepresented persons, by

Plea of "Guilty" by infant—Statement indicating offence not complete—Failure to understand ingredients of offence—Subsequent application to change plea to "Not Guilty"—Whether justices functus officio.
Reg. v. Blandford Justices, *Ex parte* **G. (An Infant),** Divl.Ct. [1967] 1 Q.B. 82; [1966] 2 W.L.R. 1232.

Plea of guilty

Plea entered by accused's solicitor—Accused not asked how he pleaded—Whether certiorari lay to quash conviction—Magistrates' Courts Act, 1952, s. 13 (1).
Reg. v. Wakefield Justices, *Ex parte* **Butterworth,** D.C. [1970] 1 All E.R. 1181.

Plea in absence of accused—Latest time when plea can be received—Magistrates' Courts Act, 1957, s. 1 (1) (2). **Reg. v. Norham and Islandshire Justices,** *Ex parte* **Sunter Bros. Ltd.,** Divl.Ct. [1961] 1 W.L.R. 364.

Quarter sessions

Committal for sentence to

Bail—Whether to be granted—Power to remand in custody—Limitations in section 18 of Act of 1967—Whether applying to committal for sentence.
Reg. v. Coe, C.A. [1968] 1 W.L.R. 1950.

Plea of guilty—Record to disclose details of charges with which sessions concerned, and offer of legal aid or explanation why none made.
Reg. v. Hooper (Practice Note), C.A. [1967] 1 W.L.R. 657.

Jurisdiction

Appeal from licensing justices—Licensing justices refusing to renew public music, singing and dancing licence—Whether licensing justices "court of summary jurisdiction"—Whether "magistrates' court"—Whether appeal lies to quarter sessions—Interpretation Act, 1889, ss. 13 (11), 38 (1)—Public Health Acts Amendment Act, 1890, s. 51—Public Health Act, 1936, s. 301—Magistrates' Courts Act, 1952, ss. 87, 124, Sch. 6.
Reg. v. East Riding of Yorkshire Quarter Sessions, *Ex parte* **Newton,** Divl.Ct. and C.A. [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098.

Appeal from local authority—Local authority refusing permit for premises having amusements with prizes—Discretion to grant permit—Whether judicial—Whether absolute on appeal—Merits of application for consideration.
Godfrey v. Bournemouth Corpn., D.C. [1969] 1 W.L.R. 47.

Appeal from magistrates' court within London commission area—Deputy chairman sat alone—Whether court properly constituted to hear appeals—Administration of Justice Act, 1964, s. 7 (5) (6).
Reg. v. Inner London Quarter Sessions, *Ex parte* **D'Souza,** D.C. [1970] 1 W.L.R. 376.

Committal to quarter sessions for Borstal training—Order for compensation made by justices—Whether order a sentence or part of a sentence — Whether committal bad — Forfeiture Act, 1870, s. 4—Magistrates' Courts Act, 1952, s. 28.
Reg. v. Dorset Quarter Sessions, *Ex parte* **Randall,** Divl.Ct. [1967] 2 Q.B. 222; [1967] 2 W.L.R. 25.

————————————————Order of disqualification from driving made by justices—Whether order a sentence—Whether committal bad—Criminal Justice Act, 1948, s. 20 (5) (*a*)—Magistrates' Courts Act, 1952, ss. 28, 83 (3) (*d*).
Reg. v. Surrey Quarter Sessions, *Ex parte* **Comr. of Metropolitan Police,** Divl.Ct. [1963] 1 Q.B. 990; [1962] 2 W.L.R. 1203.

Committal to quarter sessions for trial—Indictment not preferred at quarter sessions—Quarter sessions directing trial at assizes—Whether jurisdiction of quarter sessions to remit case for trial at assizes dependent on preferring of indictment at quarter sessions—Need for quarter sessions to consult with assize judge before ordering trial at assizes.
Reg. v. Wilson, C.A. [1968] 1 Q.B. 832; [1967] 3 W.L.R. 810.

JUSTICES—*continued.*
Quarter sessions—*continued.*
Jurisdiction—continued.

Disqualification for driving—Order of disqualification made by justices—Committal to quarter sessions for sentence—Disqualification varied by quarter sessions—Whether within power of quarter sessions—Criminal Justice Act, 1948, s. 20 (5) (as amended by the Criminal Justice Act, 1961, s. 41 (1), Sch. 4)—Magistrates' Courts Act, 1952, s. 28. **Reg. v. McNulty,** C.C.A. [1965] 1 Q.B. 437; [1964] 3 W.L.R. 1168.

Extension of time—Statutory self-contained code regulating appeals—Whether powers of Magistrates' Courts Act, 1952, applicable—Appeal from licensing justices—Appeal from grant of new justices' licence—Whether quarter sessions jurisdiction to extend time—Magistrates' Courts Act, 1952, s. 84 (3)—Licensing Act, 1964, ss. 21 (1), 22 (1) (2).
Reg. v. Pembrokeshire Justices, *Ex parte* **Bennell,** Divl.Ct. [1969] 1 Q.B. 386; [1968] 2 W.L.R. 858.

Submission of no case
Complainant's case not completed

Duty to hear all witnesses for complainant before dismisssing case.
Vye v. Vye, D.C. [1969] 1 W.L.R. 588.

Final speech

Justices to ascertain whether final speech or whether submission made while reserving right to call evidence thereafter.
Reg. v. Gravesend Justices, *Ex parte* **Sheldon,** D.C. [1968] 1 W.L.R. 1699.

Further evidence

Justices not to assume or infer defence intends to call no evidence—In absence of express statement by defence justices to ask and obtain answer to question whether defence is calling evidence. **Reg. v. Birkenhead Justices,** *Ex parte* **Fisher (Practice Note),** Divl.Ct. [1962] 1 W.L.R. 1410.

Whether to uphold

Not to be upheld if reasonable tribunal might convict at that stage.
Practice Direction (Submission of No Case), Divl.Ct. [1962] 1 W.L.R. 227.

Summary proceedings
Conviction

When complete. **Reg. v. Guest,** *Ex parte* **Anthony,** Divl.Ct. [1964] 1 W.L.R. 1273.
S. (An Infant) v. Recorder of Manchester, H.L.(E.) [1970] 2 W.L.R. 21.

Summons
Withdrawal of

Discretion to allow—Manner of exercise—Costs in Criminal Cases Act, 1952, ss. 5 (2), 6 (3).
Reg. v. Phipps, *Ex parte* **Alton,** Divl.Ct. [1964] 2 Q.B. 420; [1964] 2 W.L.R. 802.

JUVENILE COURT. *See* JUSTICES.

KENYA. (*See also* EASTERN AFRICA.)
Money-lender
Mortgage

Loan secured by mortgage or charge on immovable property—Additional security by seven guarantors—Claim that loans were money-lending transactions—Enforcement of repayment of loan—Whether transactions exempted from Money-lenders Ordinance—Money-lenders Ordinance, s. 3 (1) (*b*). **Coast Brick & Tile Works Ltd. v. Raichand,** P.C. [1967] 1 A.C. 192; [1966] 2 W.L.R. 781.

Registration of titles
Mortgage

Loan secured by mortgage or charge on immovable property subject to Registration of Titles Ordinance—Charge a valid registered charge under Registration of Titles Ordinance—Whether further attestation required by two witnesses under and by virtue of Transfer of Property Act, s. 59—Registration of Titles Ordinance, ss. 1 (2), 58—Indian Transfer of Property Act, 1882, s. 59.
Coast Brick & Tile Works Ltd. v. Raichand, P.C. [1967] 1 A.C. 192; [1966] 2 W.L.R. 781.

LACHES
Equitable defence
Principles applicable

Land—Occupation by claimants of usufructuary rights—Owners' claim to possession—Previously vigilant in resisting usufructuaries' occupation—No equity in occupants outweighing owners' rights. **Nwakobi v. Nzekwu,** P.C. [1964] 1 W.L.R. 1019.

LACHES—*continued.*

Personal injuries action

Delay in prosecuting

Undesirability—Onus on plaintiff. **Smith v. Leech Brain & Co. Ltd.,** Lord Parker C.J. [1962] 2 Q.B. 405; [1962] 2 W.L.R. 148.

Statutory period of limitation

Action by beneficiary for breach of trust

Doctrine inapplicable.
In re **Pauling's Settlement Trusts,** C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

LANCASTER CHANCERY COURT. (*See also* PRACTICE (**Trial**; *Venue*).)

Jurisdiction

Company

Application by minority shareholder for relief against compulsory acquisition of shares —Acquiring company outside jurisdiction—Whether Palatine Court "the court"—Whether jurisdiction to entertain application—Companies Act, 1948, ss. 209, 218, 455.
In re **Samuel Heap & Son Ltd.,** C.A. [1965] 1 W.L.R. 1458.

LAND

Land or chattel. *See* CHATTEL.

LAND CHARGE. (*See also* LAND REGISTRATION.)

Certificate of search

Compensation notice

Certificate omitting compensation notice issued to intending purchasers of land—Whether conclusive—Land Charges Act, 1925, s. 17 (1) (2) (3)—Town and Country Planning Act, 1954, s. 28 (5)—Local Land Charges Rules, 1934, r. 15 (1)—Local Land Charges (Amendment) Rules, 1954, r. 2. **Ministry of Housing and Local Government v. Sharp,**
Fisher J. [1970] 2 Q.B. 223; [1969] 3 W.L.R. 1020.
C.A. [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802.

Conclusive against "person interested"

Meaning of "person interested"—Inaccurate certificate issued by town clerk—Compensation notice not recorded on certificate—Purchase of land completed—Subsequent claim by Minister of Housing for compensation—Payment by purchaser—Claim by purchaser against local authority—Whether Minister "person interested"—Whether certificate conclusive against Minister—Land Charges Act, 1925, s. 17 (3).
Stock v. Wanstead and Woodford Borough Council, Melford Stevenson J. [1962] 2 Q.B. 479; [1961] 2 W.L.R. 868.

Charges registrable

"*Equitable easements*"

Right of entry on another's land to remove fixture—Profit in gross—Whether registrable.
Poster v. Slough Estates Ltd., Cross J. [1969] 1 Ch. 495; [1968] 1 W.L.R. 1515.

Estate contract

Employment of sole agent to remove and dispose of minerals reserving right to accept or reject any offer for sale of land or any part of it, and "full rights to make final decision regarding disposal of land"—Agent to receive expenses out of proceeds of sale of minerals and half proceeds of sale of minerals and 25 per cent. of those of land—Whether registrable—Land Charges Act, 1925, s. 10 (1), class C (iv).
Thomas v. Rose, Megarry J. [1968] 1 W.L.R. 1797.

General equitable charge

Agency agreement to carry out removal of combustionable minerals from land, to pay sums of money to principal and to be responsible for outgoings in consideration of principal's agreeing that on sale of land, agent to receive half of proceeds of sale of land, less legal costs—Whether registrable—Land Charges Act, 1925, s. 10 (1), class C (ii) (iii). **Thomas v. Rose,** Megarry J. [1968] 1 W.L.R. 1797.

Estate agents' claim to commission—Deposit and purchase moneys charged with payment of commission—Whether charge on proceeds of sale a land charge—Whether registrable as general equitable charge—Meaning of "land"—Land Charges Act, 1925, ss. 10 (1), class C (iii), 20 (6).
Georgiades v. Edward Wolfe & Co. Ltd., C.A. [1965] Ch. 487; [1964] 3 W.L.R. 653.

Land held on trust for sale subject to mortgage—Judgment creditor's charging orders against joint beneficial owners—Whether judgment creditor entitled to pay amount outstanding on mortgage and redeem—Whether charging orders effective to create equitable charge—Whether beneficiary under trust for sale of land having "interest in land" or only an interest in proceeds of sale—Administration of Justice Act, 1956, s. 35 (1) (3).
Irani Finance Ltd. v. Singh, Buckley J. [1970] 2 W.L.R. 117.

Planning permission

Interim development permission—Time limit of seven years—Whether "a prohibition or restriction" registrable as land charge—Land Charges Act, 1925, s. 15 (7) (as amended by Law of Property (Amendment) Act, 1926, Sch.).
Rose v. Leeds Corpn., C.A. [1964] 1 W.L.R. 1393.

LAND DRAINAGE. (*See also* RATING.)

Maintenance

Dykes

Drainage board—Duty of commissioners under local Act to " embank and keep in repair " named dykes " out of the money arising by virtue of this Act "—Whether positive or permissive duty—Money raised by rate on acreage basis—Public Act substituting rate based on annual value—Powers conferred on commissioners " in addition to " powers conferred by local Acts—Powers and duties of commissioners vesting in drainage board under statutory order " except so far as the same may be inconsistent with or contrary or repugnant to " provisions of public Act—Whether positive duty under local Act still existing under public Act and Order—Whether drainage board liable for nonfeasance—Black Sluice Drainage Act, 1765, ss. 1, 44—Land Drainage Act, 1930, ss. 24 (1), 34, 82 (1)—Witham and Steeping Rivers Catchment Board (Black Sluice Internal Drainage District) Order, 1935, cl. 17.
Rippingale Farms Ltd. v. Black Sluice Internal Drainage Board, C.A. [1963] 1 W.L.R. 1347.

Embankment

River Board—Duty of commissioners under private Act " to duly maintain " embankments —No express provision for enforcement—Drainage rates payable by tenants—Devolution of duty on catchment board and subsequently on river board—Whether duty absolute—Whether civil right to sue for damages for breach—Scarisbrick Estate Drainage Act, 1924, s. 16 (2)—Land Drainage Act, 1930, s. 12—River Boards Act, 1948.
Sephton v. Lancashire River Board, Lawton J. [1962] 1 W.L.R. 623.

Excavation

Drainage board—Whether drainage board empowered to enter any land for purpose of exercising any of its functions—Land Drainage Act, 1930, s. 34 (1) (4)—Land Drainage Act, 1961, s. 40 (1) (3). **Pattinson v. Finningley Internal Drainage Board,** Bean J. [1970] 2 Q.B. 33; [1970] 2 W.L.R. 622.

Liability for repair and maintenance of drains

Whether responsibility of rural district council or county council — Local Government Act, 1929, s. 30 (1). **Attorney-General v. St. Ives Rural District Council,** C.A. [1961] 1 Q.B. 366; [1961] 2 W.L.R. 111.

Riparian rights

Spray irrigation by riparian owner

Reservoir constructed by riparian owner—Water collected from piped sources and surface water but not from natural spring—Reservoir and river bed used for spray irrigation — Considerable amount of water used by spray irrigation without visible or measurable effect on river—Whether riparian owner entitled to use river for spray irrigation—Whether riparian owner entitled to impound water for reservoir—Use of water in reservoir. **Rugby Joint Water Board v. Walters,** Buckley J. [1967] Ch. 397; [1966] 3 W.L.R. 934.

LAND REGISTRATION. (*See also* LAND CHARGE.)

Appeal from registrar

Evidence

Whether evidence taken de novo or rehearing—R.S.C., Ord. 54D, r. 6—Land Registration Rules, 1925, rr. 298, 299. *In re* **Gilbert's Application,** Russell J. [1961] 1 W.L.R. 822.

Charges register

Pending actions register

Vacation of—Jurisdiction of court—Action to vacate estate contract from charges register —Registration by defendants as lis pendens—Proceedings not " action relating to land " —Not lis pendens—No counterclaim constituting lis pendens—Jurisdiction to order vacation of register—Bona fide proceedings still on foot—No power to order vacation—Land Charges Act, 1925, s. 2 (1) (6).
Heywood v. B.D.C. Properties Ltd. (No. 2), Plowman J. [1964] 1 W.L.R. 267.

——————Proceedings under Married Women's Property Act, 1882, s. 17 — Wife's claim to share in matrimonial home—Registration by wife as lis pendens—Whether " action . . . relating to land "—Whether properly registrable—Power to order vacation—Land Charges Act, 1925, s. 2 (1) (6).
Taylor v. Taylor (1968), C.A. [1968] 1 W.L.R. 378.

Priority of entries

Caution—Absolute title subject to corporation's legal charge—Purchaser in possession under unenforceable agreement for sale—Caution lodged in respect of charging order against vendor's land—Caution not revealed by official search—Transfer to purchaser simultaneously with charge to building society, and discharge of corporation's mortgage —Whether caution effective against purchaser for value without notice—County Courts Act, 1959, s. 141 (1) (3)—Land Registration Act, 1925, ss. 54 (1), 55 (1) (2), 56 (2), 59 (1) (6).
Parkash v. Irani Finance Ltd., Plowman J. [1970] Ch. 101; [1969] 2 W.L.R. 1134.

LAND REGISTRATION—*continued.*

Charges register—*continued.*

Priority of entries—continued.

Equitable charges—Memorandum of deposit of title deeds—Notice of deposit (not memorandum) entered on register—Validity—Subsequent entry of cautions of equitable charges—Whether priority over earlier notice—Land Registration Act, 1925, ss. 49, 52 (1), 66—Land Registration Rules, 1925, r. 239 (1) (4).
In re **White Rose Cottage,** Wilberforce J. [1964] Ch. 483; [1964] 2 W.L.R. 396.
C.A. [1965] Ch. 940; [1965] 2 W.L.R. 337.

Effect of registration

Lease

Mortgage by way of sub-demise—Mortgagor to hold leasehold reversion on trust for purchaser from mortgagees—Purchaser registered with possessory title to whole term—Whether outstanding leasehold reversion "estate, right or interest . . . adverse to" purchaser's title—Whether outstanding reversion vested in purchaser on registration—Land Transfer Act, 1875, s. 13—Land Transfer Rules, 1903, rr. 55, 57.
In re **King, decd.,** Buckley J. [1962] 1 W.L.R. 632.

Estate contract

Land charge

Certificate of search revealing no subsisting entries—Ambiguous application for search certificate—Negative search not conclusive in favour of applicant where Registry may be misled by particulars given—Land Charges Act, 1925, s. 17 (3).
Du Sautoy v. Symes, Cross J. [1967] Ch. 1146; [1967] 2 W.L.R. 342.

Notice to treat

Whether a contract of sale—Whether registrable—Land Charges Act, 1925, s. 10.
Capital Investments Ltd. v. Wednesfield Urban District Council,
Wilberforce J. [1965] Ch. 774; [1965] 2 W.L.R. 932.

Vacation of register

Action by vendor to remove land charges from register—Existence of contract for sale of land disputed—Action raised substantive issue—No prima facie evidence of existence of contract—Interlocutory proceedings to vacate land charge—Motion—Whether appropriate procedure—Land Charges Act, 1925, s. 10 (8)—R.S.C., Ord. 55, r. 14A.
Heywood v. B.D.C. Properties Ltd., Pennycuick J. [1963] 1 W.L.R. 634.
C.A. [1963] 1 W.L.R. 975.

Land charge

Restrictive covenant

Covenant by lessor restricting use of adjoining land—Whether registrable as charge—Whether restrictive "covenant . . . made between lessor and lessee"—Land Charges Act, 1925, s. 10 (1), Class D (II).
Dartstone Ltd. v. Cleveland Petroleum Co. Ltd., Pennycuick J. [1969] 1 W.L.R. 1807.

Right of way

Expenditure of money in reliance on right—Whether registrable as land charge—Whether "estate contract" or "equitable easement"—Land Charges Act, 1925, ss. 10 (1), Class C (IV), Class D (III), 13 (2).
E. R. Ives Investment Ltd. v. High, C.A. [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789.

Validity of registration

"Name of estate owner"—Registration under name in which owner known to carry on business—Owner's formal first names different—Application for official search under other first names—Official certificate giving nil entry for specified name—Attention drawn to registered entry—Effect of certificate—Validity of registration—Land Charges Act, 1925, ss. 10 (2), 17. **Oak Co-operative Building Society v. Blackburn,**
Ungoed-Thomas J. [1967] Ch. 1169; [1967] 2 W.L.R. 1421.
C.A. [1968] Ch. 730; [1968] 2 W.L.R. 1053.

Land charges register

Pending actions register

Vacation of—Jurisdiction of court—Action to vacate estate contract from charges register—Registration by defendants as lis pendens—No counterclaim constituting lis pendens—Jurisdiction to order vacation of register—Land Charges Act, 1925, s. 2 (1) (6).
Heywood v. B.D.C. Properties Ltd. (No. 2), C.A. [1964] 1 W.L.R. 971.

Limitation of action

Registered land

Effect of adverse squatter's title—Title against lessee—Effect of merger of lease in freehold—Land Registration Act, 1925, s. 75 (1).
St. Marylebone Property Co. Ltd. v. Fairweather, C.A. [1962] 1 Q.B. 498;
[1961] 3 W.L.R. 1083.
H.L.(E.) [1963] A.C. 510; [1962] 2 W.L.R. 1020.

LAND REGISTRATION—*continued.*

Matrimonial home

Adverse disposition to disadvantage of occupying spouse

Precautionary registration of notice or caution—Need for.
Miles v. Bull, Megarry J. [1969] 1 Q.B. 258; [1968] 3 W.L.R. 1090.

Overriding interest

" Actual occupation "

Whether physical occupation not apparent to purchaser for value without notice sufficient —Land Registration Act, 1925, s. 70 (1) (*g*).
Hodgson v. Marks, Ungoed-Thomas J. [1970] 3 W.L.R. 956.

Whether physically present by person occupying rent free—Land Registration Act, 1925, s. 70 (1) (*g*).
Strand Securities Ltd. v. Caswell, Cross J. [1965] Ch. 373; [1964] 3 W.L.R. 619; C.A. [1965] Ch. 958; [1965] 2 W.L.R. 958.

Land demised for term of seven years

Lease containing option to purchase freehold—Option not registered—Whether enforceable as overriding interest—Land Registration Act, 1925, s. 70 (1) (*g*).
Webb v. Pollmount Ltd., Ungoed-Thomas J. [1966] Ch. 584; [1966] 2 W.L.R. 543.

Register

Judgment creditor

Order for production of register—Procedure.
Practice Direction (Land Registration: Judgment Creditor), Q.B.D. [1970] 1 W.L.R. 1158.

Rectification

Agreement for lease without commencement date of lease specified—Flaw on title—Rectification ordered. **Harvey v. Pratt,** C.A. [1965] 1 W.L.R. 1025.

Compensation—Registered proprietor of freehold land with absolute title—Rectification of register by advancing boundary—Right of person in actual possession—Whether registered proprietor entitled to indemnity—Land Registration Act, 1925, ss. 70 (1) (*g*), 82 (1), 83 (1). *In re* **Boyle's Claim,** Wilberforce J. [1961] 1 W.L.R. 339.

First proprietor—Mistake on registration—Registered proprietor in possession—Proprietor contributing to mistake—Discretion of court—Factors to be considered—Land Registration Act, 1925, s. 82. **Claridge v. Tingey,** Pennycuick J. [1967] 1 W.L.R. 134.

Right of way registered as overriding interest—Application to remove—Jurisdiction of Chief Land Registrar—Land Registration Act, 1925, ss. 70 (1), (2), (3), 82 (1) (*h*), 144 (2)—Land Registration Rules, 1925, rr. 197, 298, 299.
In re **Dances Way, West Town, Hayling Island,** C.A. [1962] Ch. 490; [1962] 2 W.L.R. 815.

Registration

Sublease

Application to register without producing lessor's land certificate—Production of certificate by transferee of lease operating as production by sublessee—Whether notice of sublease to be entered on charges register of leasehold title—Land Registration Act, 1925, s. 64 (1) (*a*)—Land Registration Rules, 1925, r. 83.
Strand Securities Ltd. v. Caswell, Cross J. [1965] Ch. 373; [1964] 3 W.L.R. 619; C.A. [1965] Ch. 958; [1965] 2 W.L.R. 958.

LANDLORD AND TENANT. (*See also* AGRICULTURE (**Agricultural holding**).)

Agreement for lease

Implied

Landlord's demand for rent and service of notice to quit on trespasser — Landlord's erroneous belief trespasser their tenant—Whether tenancy created.
Chalcot Developments Ltd. v. De Gray, C.A. [1968] 1 Q.B. 1; [1967] 2 W.L.R. 1305.

Oral lease to oneself

Lease of three years or under—Freehold owned by two tenants in common—Whether competent for freeholders to grant lease by parol to themselves—" Conveyance "—Meaning—Whether including oral transactions—Law of Property Act, 1925, ss. 72 (3) (4), 205 (1). **Rye v. Rye,** H.L.(E.) [1962] A.C. 496; [1962] 2 W.L.R. 361.

Part performance

Oral agreement for tenancy for lives—Entry into possession—Law of Property Act, 1925, s. 40. **Kingswood Estate Co. Ltd. v. Anderson,** C.A. [1963] 2 Q.B. 169; [1962] 3 W.L.R. 1102.

" Subject to contract "

Licence for lease refused by head landlords—Correspondence between parties' solicitors allowing tenant into possession on payment of rent—Whether contract created by correspondence—Whether " subject to contract " negotiations abandoned.
D'Silva v. Lister House Development Ltd., Buckley J. [1970] 2 W.L.R. 563.

LANDLORD AND TENANT—*continued.*

Agreement for lease—*continued.*

Uncertainty

Lease to contain other covenants reasonably required by lessors — Whether agreement specifically enforceable. **Sweet & Maxwell Ltd. v. Universal News Services Ltd.,** C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

Whether date of commencement must be specified. **Harvey v. Pratt,** C.A. [1965] 1 W.L.R. 1025.

Agricultural holding. *See* AGRICULTURAL HOLDING.

Assignment of lease or underletting

Consent

Covenant not to assign or underlet without consent—Fine—Covenant to use premises for no other purposes—Licence to assign providing for change of user and payment of increased rent—Whether tainting transaction with lack of enforceability—Law of Property Act, 1925, s. 144. **Hampstead & Suburban Properties Ltd. v. Diomedous,** Megarry J. [1969] 1 Ch. 248; [1968] 3 W.L.R. 990.

Development—Proposed assignee development company—Likelihood of comprehensive development of demised premises and neighbouring properties in near future—Landlords' refusal of consent—Whether reasonable. **Pimms Ltd. v. Tallow Chandlers Co.,** C.A. [1964] 2 Q.B. 547; [1964] 2 W.L.R. 1129.

Practice—Covenant not to assign without landlord's consent—Landlord's consent withheld—Assignee's action against landlord for declaration that assignment valid—Whether assignor a necessary party—Form of declaration. **Theodorou v. Bloom,** Ungoed-Thomas J. [1964] 1 W.L.R. 1152.

Covenants "non-assignable"

Meaning—Lease "non-assignable"—Whether covenant against underletting imported—Whether such covenant "reasonably required" by landlords—Part of office block. **Sweet & Maxwell Ltd. v. Universal News Services Ltd.,** C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

Effect of assignment

Assignment of freehold reversion, lease and underlease—Covenants—Express covenants to repair and reinstate premises—Breach of covenants by lessee before compulsory purchase of freehold reversionary interest—Whether assignor entitled to sue lessee after date of assignment for breaches of covenant before assignment—"Benefit of every covenant" including right to sue passing by statute to assignee—Law of Property Act, 1925, s. 141. *In re* **King, decd.,** C.A. [1963] Ch. 459; [1963] 2 W.L.R. 629.

Assignment of reversion to guarantor who paid tenant's rent — Tenant in breach of covenant—Whether assignee of reversion can re-enter for non-payment of rent before date of assignment—Law of Property Act, 1925, s. 141. **London and County (A. & D.) Ltd. v. Wilfred Sportsman Ltd. (Greenwoods (Hosiers & Outfitters) Ltd. Third Party),** C.A. [1970] 3 W.L.R. 418.

Partnership property

Whether lease assigned by virtue of partnership deed—Transfer of "assets" of business. **Gian Singh & Co. v. Nahar,** P.C. [1965] 1 W.L.R. 412.

Business premises (security of tenure)

Application for new tenancy

Application filed within two months of request—Whether application valid—Landlord and Tenant Act, 1954, s. 29 (3). **Kammins Ballrooms Co. Ltd. v. Zenith Investments (Torquay) Ltd.,** C.A. [1970] 1 Q.B. 673; [1969] 3 W.L.R. 799. H.L.(E.) [1970] 3 W.L.R. 287.

Covenant against business user—Gradual use for business premises—History of litigation between tenant and landlords—Landlords' notice of opposition on grounds of breaches of obligations under current tenancy—Whether discretion not to grant new tenancy limited to grounds set out in landlords' notice—Whether judge entitled to have regard to general conduct of tenant in relation to tenancy—Landlord and Tenant Act, 1954, s. 30 (1) (*c*). **Eichner v. Midland Bank Executor and Trustee Co. Ltd.,** C.A. [1970] 1 W.L.R. 1120.

"Business"

Sunday school—Tenant carrying on Sunday school gratuitously in own home—Whether a "trade, profession or employment"—Whether carrying on of Sunday school a "business"—Landlord and Tenant Act, 1954, s. 23 (1) (2). **Abernethie v. A. M. & J. Kleiman Ltd.,** C.A. [1970] 1 Q.B. 10; [1969] 2 W.L.R. 1364.

LANDLORD AND TENANT—*continued.*

Business premises (security of tenure)—*continued.*

"Competent landlord"

Sub-tenancy—Notice determining tenancy served on mesne landlord—Application for new tenancy by mesne landlord—Sub-tenant holding over—Notice served by landlord on sub-tenant—Whether landlord or mesne landlord competent "landlord"—Landlord and Tenant Act, 1954, ss. 25 (4), 44 (1), 69.
Westerbury Property and Investment Co. Ltd. v. Carpenter, Danckwerts J. [1961] 1 W.L.R. 272.

Tenant and mesne landlord holding over under Act of 1954—Whether "competent landlord"—Landlord and Tenant Act, 1954, ss. 28, 30, 44 (1), Sch. 6, para. 1.
Green v. Bowes-Lyon, C.A. [1961] 1 W.L.R. 503. H.L.(E.) [1963] A.C. 420; [1961] 3 W.L.R. 1044.

Tenants and sub-tenants of business premises having term of years with break clause—Notice to quit served by head landlords on tenants in accordance with lease and statutory requirements—Intention to reconstruct—Application by sub-tenants for new tenancy—Head landlords not joined as respondents to application—Tenants agreeing with head landlords to quit—Whether head tenants or tenants "landlord" at relevant date—Whether tenants' tenancy coming to an end "within 14 months or less by effluxion of time or by virtue of a notice to quit already given by the landlord"—Landlord and Tenant Act, 1954, ss. 25, 44 (1), 69.
Rene Claro (Haute Coiffure) Ltd. v. Hallé Concerts Society, C.A. [1969] 1 W.L.R. 909.

Costs

Application for new lease—Practice to leave each side to bear own costs—Whether well founded—Landlord and Tenant Act 1954, s. 30 (1)—County Court Rules, 1936, Ord. 47, r. 15. **Willis v. Association of Universities of the British Commonwealth (No. 2),** C.A. [1965] 1 W.L.R. 836.

Application for new tenancy—Landlord withdrawing opposition after proceedings brought—Practice to leave each side to bear own costs—Whether applicable—Discretion of court. **Demag Industrial Equipment v. Canada Dry (U.K.) Ltd.,** Pennycuick J. [1969] 1 W.L.R. 985.

County court jurisdiction. See COUNTY COURT.

Court of Appeal, jurisdiction. See COURT OF APPEAL.

Grant of new tenancy

Interim rent payable under existing tenancy after grant before new tenancy takes effect—Whether rent under existing tenancy to be taken into account in determining interim rent—Landlord and Tenant Act, 1954 (as amended by Law of Property Act, 1969), ss. 24A, 36. **Regis Property Co. Ltd. v. Lewis & Peat Ltd.,** Stamp J. [1970] Ch. 695; [1970] 3 W.L.R. 361.

"Holding"

Factory premises built in three sections—Part occupied by landlord and part by tenant—Landlord's intention to carry out substantial work affecting part of tenant's holding—Whether court has jurisdiction to grant new tenancy of part of holding—Landlord and Tenant Act, 1954, ss. 23, 26 (3), 30 (1) (*f*), 32.
Fernandez v. Walding, C.A. [1968] 2 Q.B. 606; [1968] 2 W.L.R. 583.

Holding, extent of

Date for determining—Claim for new tenancy—Landlord and Tenant Act, 1954, s. 32 (1).
I. & H. Caplan Ltd. v. Caplan, H.L.(E.)]1962] 1 W.L.R. 55.

Landlord's intention to carry out substantial work

Possession, need for—Factory premises—Part occupied by tenant—Proposed work affecting only part of holding—Whether work could be reasonably done without obtaining possession of whole holding—Tenant's rights of exclusion if new tenancy granted—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Fernandez v. Walding, C.A. [1968] 2 Q.B. 606; [1968] 2 W.L.R. 583.

Landlord's intention to occupy

Business to be carried on by company—Landlord's control of company—Landlord and Tenant Act, 1954, s. 30 (1) (*g*).
Tunstall v. Steigmann, C.A. [1962] 2 Q.B. 593; [1962] 2 W.L.R. 1045.

"Interest of landlord"—Whether business tenancy "at all times" since creation of landlord's interest—Landlord and Tenant Act, 1954, s. 30 (1) (*g*) (2).
Northcote Laundry Ltd. v. Frederick Donnelly Ltd., C.A. [1968] 1 W.L.R. 562.

"Interest of landlord" by purchase or creation—Successive leases—"Tenancy or successive tenancies"—Whether including tenancy of landlord under head lease—Seasonal summer business—Landlord's occupation proposed to commence in November—Whether occupation for purposes of business—Landlord and Tenant Act, 1954, s. 30 (1) (*g*) (2). **Artemiou v. Procopiou,** C.A. [1966] 1 Q.B. 878; [1965] 3 W.L.R. 1011.

LANDLORD AND TENANT—*continued.*

Business premises (security of tenure)—*continued.*

Landlord's intention to occupy—continued.

Joint occupation with unincorporated body with separate entity—Landlord company's resolution for voluntary winding up—Intention to transfer business to new chartered company—Whether landlord's intention to carry on business—Landlord and Tenant Act, 1954, s. 30 (1) (*g*)—Companies Act, 1948, s. 281.
Willis v. Association of Universities of the British Commonwealth, C.A. [1965] 1 Q.B. 140; [1964] 2 W.L.R. 946.

Meaning of "intends"—Whether reasonable probability of ability to accomplish intention—Planning permission—Whether necessary and likely to be obtained—Change of use without permission—Enforcement procedure—Likelihood of—Landlord and Tenant Act, 1954, s. 30 (1) (*g*). **Gregson v. Cyril Lord Ltd.,** C.A. [1963] 1 W.L.R. 41.

Proposed demolition of all buildings on tenants' holding—Whether demolition of "premises comprised in the holding"—"Premises"—Meaning of—Proposal to lay concrete over whole site—Whether "construction" within contemplation of Act—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Housleys Ltd. v. Bloomer-Holt Ltd., C.A. [1966] 1 W.L.R. 1244.

Landlord's intention to reconstruct

Application for new tenancy—Landlord's "intention" to be determined as preliminary point—Landlord and Tenant Act, 1954, s. 30 (1) (*f*)—R.S.C. (Rev. 1965), Ord. 33, rr. 3, 7. **Dutch Oven Ltd. v. Egham Estate and Investment Co. Ltd.,** Megarry J. [1968] 1 W.L.R. 1483.

Possession, need for—Whether work could be done "without obtaining possession"—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Whittingham v. Davies, C.A. [1962] 1 W.L.R. 142.
Little Park Service Station Ltd. v. Regent Oil Co. Ltd., C.A. [1967] 2 Q.B. 655; [1967] 2 W.L.R. 1036.

Limitation

Application for new tenancy—Application made by post—Court closed until after expiry of time limit for application—County court request to Post Office not to deliver mail during closure of court—Whether application made in time—Landlord and Tenant Act, 1954, s. 29 (3)—County Court Rules, 1936, Ord. 48, r. 10 (3); Ord. 26, r. 1.
Hodgson v. Armstrong, C.A. [1967] 2 Q.B. 299; [1967] 2 W.L.R. 311.

Local legislation

Business premises—Premises owned by corporation—Tenants' application for grant of new tenancy—Whether conflict between local Act and public Act—Huddersfield Waterworks and Improvement Act, 1876, ss. 40 (7), 44, 53—Landlord and Tenant Act, 1954, ss. 33, 34. **Reg. v. Huddersfield County Court Judge,** *Ex parte* **Beaumont Ashton Ltd.,** Divl.Ct. (1967) 66 L.G.R. 234.

Mining lease

Lease of sand and gravel pit—Right to extract sand and gravel—Whether "mining lease"—Landlord and Tenant Act, 1927, s. 25—Landlord and Tenant Act, 1954, ss. 43 (1) (*b*), 46. **O'Callaghan v. Elliott,** C.A. [1966] 1 Q.B. 601; [1965] 3 W.L.R. 746.

Mortgage

Parties—Tenant's application for a new lease—Landlord's reversion mortgaged—Receiver appointed by mortgagee after application—Whether mortgagee a necessary respondent to tenant's application—Landlord and Tenant Act, 1954, ss. 44 (1), 67—County Court Rules, 1936, Ord. 40, rr. 8 (1) (2), 21 (2).
Meah v. Mouskos, C.A. [1964] 2 Q.B. 23; [1964] 2 W.L.R. 27.

Notice of opposition to new tenancy

Form—Premises said to be required for occupation by landlord for purposes of landlord's own business—Landlord a trustee for occupying business tenants—No personal occupation by landlord—Facts accurately stated in landlord's answer—Sufficiency of notice—Whether effective to terminate tenancy—"Landlord"—Meaning of—Landlord and Tenant Act, 1954, ss. 25 (1) (6), 30 (1) (*g*), 41 (2)—County Court Rules, 1936, Ord. 40 (as substituted, 1954, and amended, 1958, 1959, 1961), r. 8 (2).
Sevenarts Ltd. v. Busvine, C.A. [1968] 1 W.L.R. 1929.

Grounds of opposition that "the landlords intend to demolish or reconstruct the premises"—Notice served by present landlord's predecessor not intending to reconstruct—Function of landlord's counter-notice—Tenant not misled or deceived by notice—Whether present landlords proving intention to demolish and reconstruct at date of hearing entitled to rely on former landlord's notice—Whether notice valid—Landlord and Tenant Act, 1954, ss. 26 (6), 30 (1) (*f*).
Morris Marks v. British Waterways Board, C.A. [1963] 1 W.L.R. 1008.

LANDLORD AND TENANT—*continued.*

Business premises (security of tenure)—*continued.*

Notice of opposition to new tenancy—continued.

Notice served by present landlord's predecessor—Grounds of opposition that "the landlord intends to occupy the premises"—Whether new landlord entitled to rely on notice—Meaning in notice of "landlord"—Landlord and Tenant Act, 1954, ss. 30 (1) (*g*), 44.
A. D. Wimbush & Son Ltd. v. Franmills Properties Ltd., Plowman J. [1961] Ch. 419; [1961] 2 W.L.R. 498.

Sufficiency of—Language used in notice not precisely that of relevant statutory paragraph—Whether landlords' intention sufficiently revealed to tenant—Landlord and Tenant Act, 1954, s. 25 (1) (6).
Housleys Ltd. v. Bloomer-Holt Ltd., C.A. [1966] 1 W.L.R. 1244.

Notice to quit

Break clause—Notice in accordance with terms of statute and break clause—Whether "notice to quit"—Landlord and Tenant Act, 1954, s. 69.
Rene Claro (Haute Coiffure) Ltd. v. Hallé Concerts Society, C.A. [1969] 1 W.L.R. 909.

Form—Non-opposition of application to court for new tenancy subject to condition—Validity of notice—Landlord and Tenant Act, 1954, s. 25 (6).
Barclays Bank Ltd. v. Ascott, Barry J. [1961] 1 W.L.R. 717.

———Notice omitting year from date of termination—Year apparent by reference to note on back of notice—Whether notice valid—Landlord and Tenant Act, 1954, s. 25.
Sunrose Ltd. v. Gould, C.A. [1962] 1 W.L.R. 20.

Service—Delivery by registered post to business premises—Tenant residing elsewhere—Whether "place of abode"—"Last-known"—Meaning—Whether personal receipt of notice by tenant necessary—Landlord and Tenant Act, 1954, ss. 24, 25, 29, 66—Landlord and Tenant Act, 1927, s. 23 (1)—Landlord and Tenant (Notices) Regulations, 1954, App., Form 7, Note 2.
Price v. West London Investment Building Society Ltd., C.A. [1964] 1 W.L.R. 616.

Term of years—Break clause—Statutory notice to terminate—Whether contractual notice also necessary—Landlord and Tenant Act, 1954, s. 25.
Scholl Mfg. Co. Ltd. v. Clifton (Slim-Line) Ltd., Cross J. [1966] Ch. 298; [1966] 2 W.L.R. 902.
C.A. [1967] Ch. 41; [1966] 3 W.L.R. 575.

Validity—Monthly tenancy determinable at end of month—Landlords' notice expiring in middle of month—Whether notice must expire at end of month—Whether effective—Landlord and Tenant Act, 1954, ss. 24 (1), 25 (1) (2) (3) (4).
Commercial Properties Ltd. v. Wood, C.A. [1968] 1 Q.B. 15; [1967] 3 W.L.R. 185.

Occupation for purposes of tenant's business

Trading ceased—Stock-in-trade left on premises—Recommencement of trading—Whether continuity of occupation by a tenant a prerequisite of the grant of a new tenancy—Landlord and Tenant Act, 1954, Part II.
I. & H. Caplan Ltd. v. Caplan (No. 2), Cross J. [1963] 1 W.L.R. 1247.

"Premises"

Tenancy of a right to use gallops to train and exercise racehorses—Whether "premises" mean only buildings—Whether use of gallops business tenancy—Landord and Tenant Act, 1954, s. 23 (1). **Bracey v. Read**, Cross J. [1963] Ch. 88; [1962] 3 W.L.R. 1194.

Surrender

Agreement for future surrender of lease—Whether agreement "purports to preclude" tenant from making application—Whether agreement void—Landlord and Tenant Act, 1954, s. 38 (1). **Joseph v. Joseph**, C.A. [1967] Ch. 78; [1966] 3 W.L.R. 631.

Tenancy at will

Express agreement purporting to create tenancy at will—Annual rent paid on demand—Landlords' claim for possession—Whether tenancy at will or yearly tenancy—If tenancy at will whether afforded statutory protection—Landlord and Tenant Act, 1954, ss. 23, 25, 69. **Manfield & Sons Ltd. v. Botchin**, Cooke J. [1970] 2 Q.B. 612; [1970] 3 W.L.R. 120.

"Tenant, the"

Doctor's consulting rooms—Lease sealed and signed by company's secretary and director but retained by company—Counterpart executed and delivered to company—Plaintiff allowed into possession before completion on payment of rent in advance—Licence for proposed use refused by head landlords—Whether plaintiff a tenant entitled to statutory protection—Landlord and Tenant Act, 1954, ss. 23 (4), 69.
D'Silva v. Lister House Development Ltd., Buckley J. [1970] 2 W.L.R. 563.

LANDLORD AND TENANT—*continued.*

Business premises (security of tenure)—*continued.*

" *Tenant, the* "—*continued.*

Lease of premises to two partners as joint tenants—Dissolution of partnership—Premises occupied and business carried on solely by remaining partner paying rent—Application for new tenancy by remaining partner—Whether jurisdiction to grant new tenancy—Whether one of two or more joint tenants " the tenant "—Landlord and Tenant Act, 1954, ss. 23 (1), 24 (1).
Jacobs v. Chaudhuri, C.A. [1968] 2 Q.B. 470; [1968] 2 W.L.R. 1098.

Tenant's fixtures

Right to remove at expiration of term—Sub-lease—Statutory extension of sub-lease—Whether head tenant entitled to remove fixtures—Landlord and Tenant Act, 1954, ss. 23 (1) (3), 24 (1), 29 (1), 32 (1).
Poster v. Slough Estates Ltd., Cross J. [1969] 1 Ch. 495; [1968] 1 W.L.R. 1515.

Terms of new tenancy

Break clause—Whether jurisdiction to insert in new lease—Landlord and Tenant Act, 1954, s. 33. **McCombie v. Grand Junction Co. Ltd.,** C.A. [1962] 1 W.L.R. 581.

Duration—Premises in dilapidated condition—Need to reconstruct—Proposal to develop in near future—Whether new lease must be of short duration—Landlord and Tenant Act, 1954, s. 33. **London and Provincial Millinery Stores Ltd. v. Barclays Bank Ltd.,** C.A. [1962] 1 W.L.R. 510.

Rent—Effect of improvements—Whether improvements made by tenant during currency of tenancy expiring before commencement of Act to be taken into account—Landlord and Tenant Act, 1954, s. 34 (*c*).
In re **" Wonderland," Cleethorpes,** C.A. [1962] Ch. 696; [1962] 2 W.L.R. 776.
H.L.(E.) [1965] A.C. 58; [1963] 2 W.L.R. 1426.

———Part of premises residential accommodation let to controlled tenant — Whether relevant consideration—Whether surveyor's evidence of rateable value admissible—Landlord and Tenant Act, 1954, s. 34. **Oscroft v. Benabo,** C.A. [1967] 1 W.L.R. 1087.

Transitional effect of Act of 1954

Compensation—Order for new tenancy precluded—Assignment of underlease—Assignors' business carried on at premises for 11 years—Assignees carrying on same type of business as assignors—No assignment of goodwill—Tenancy current at commencement of Landlord and Tenant Act, 1954—Termination of tenancy by landlords 18 months after assignment—Assignees' business conducted elsewhere for one week after vacation by assignees—Premises being decorated and repaired—Whether premises had continuously been " occupied for the purposes of a carrying on of the tenant's business " for five years—" Continuously "—" The tenant's business "—Landlord and Tenant Act, 1954, ss. 37, 38, Sch. 9, para. 5 (1). **Connaught Fur Trimmings Ltd. v. Cramas Properties Ltd.,** Sachs J. [1964] 1 W.L.R. 1115.
C.A. [1965] 1 W.L.R. 46.
H.L.(E.) [1965] 1 W.L.R. 892.

Covenant

Construction

" Nuisance or annoyance "—" Effective soundproofing."
Hampstead & Suburban Properties Ltd. v. Diomedous,
Megarry J. [1969] 1 Ch. 248; [1968] 3 W.L.R. 990.

Insurance

Repayment by lessee of amount of fire insurance premiums paid by lessor—Lessor to insure with reputable insurers—Whether implied term against lessor imposing unnecessarily heavy burden on lessees in respect of premium.
Bandar Property Holdings Ltd. v. J. S. Darwen (Successors) Ltd.,
Roskill J. [1968] 2 All E.R. 305.

Tenant to pay " insurance rent "—Landlord to insure—Whether implied covenant to reinstate—Whether obligation to insure for mutual benefit.
Mumford Hotels Ltd. v. Wheler, Harman L.J. [1964] Ch. 117; [1963] 3 W.L.R. 735.

" *Private residence* "

Covenant to use premises " for the purpose of a private residence "—Paying guests—Whether a breach of covenant—Whether a continuing breach.
Segal Securities Ltd. v. Thoseby, Sachs J. [1963] 1 Q.B. 887; [1963] 2 W.L.R. 403.

Quiet enjoyment, for

Demise of two-roomed flat—Threats of eviction by landlord in letters and by conduct—Whether " substantial interference " with possession and enjoyment of demised premises—Whether breach of implied covenant for quiet enjoyment.
Kenny v. Preen, C.A. [1963] 1 Q.B. 499; [1962] 3 W.L.R. 1233.

Repair, to. See **Repairs.**

LANDLORD AND TENANT—*continued.*

Covenant—*continued.*

User

Sublease permitting user of premises for sale of tobacco—Whether implied covenant by landlord that such user lawful—Submission of draft sublease with clause permissive of user as tobacco shop. **Hill v. Harris,** C.A. [1965] 2 Q.B. 601; [1965] 2 W.L.R. 1331.

Waiver of breach

Demand and acceptance of payments under guarantee on tenant's default in paying rent—Grant to guarantors of new lease overlapping existing term "subject to and with the benefit of" tenant's lease—Whether default in payment of rent a continuing breach de die in diem—Prospective new sub-tenants let into occupation after premises vacated by tenant. **London and County (A. & D.) Ltd. v. Wilfred Sportsman Ltd.,** Buckley J. [1969] 1 W.L.R. 1215.

Failure of tenant to paint in every third year and in last year of term—Premises frequently seen by landlord—No objection by landlord to state of repair—Whether waiver of breach.
West Country Cleaners (Falmouth) Ltd. v. Saly, C.A. [1966] 1 W.L.R. 1485.

Money accepted by landlord—Landlord's knowledge of breach—Whether money accepted and tendered as rent—Whether question of fact—Waiver—Whether question of law.
Windmill Investments (London) Ltd. v. Milano Restaurant Ltd., Megaw J. [1962] 2 Q.B. 373; [1962] 3 W.L.R. 651.

Payments under guarantee on tenant's default in paying rent—Whether such payments constitute payments of rent—Grant to guarantor of reversionary lease "subject to and with the benefit of" tenant's lease—Whether such grant a waiver of tenant's breach in failing to pay rent.
London and County (A. & D.) Ltd. v. Wilfred Sportsman Ltd. (Greenwoods (Hosiers & Outfitters) Ltd. Third Party), C.A. [1970] 3 W.L.R. 418.

Unlawful subletting—Decontrol of whole premises—Acceptance of rent after knowledge of breach after date of decontrol—Whether waiver operative retrospectively to protect sub-tenancy unlawful ab initio.
Muspratt v. Johnston, C.A. [1963] 2 Q.B. 283; [1963] 2 W.L.R. 1153.

"Without prejudice" demand for rent—Rent payable in advance—Breach known to landlord—Whether waiver of past breach—Whether waiver of continuing breach.
Segal Securities Ltd. v. Thoseby, Sachs J. [1963] 1 Q.B. 887; [1963] 2 W.L.R. 403.

Forfeiture of lease

Date of forfeiture

Assignee of lease in breach of covenant to pay—Praecipe for possession issued in county court against assignee—Service not effected—Claim against lessees for rent—Whether lease determined by issue of praecipe or whether service of writ necessary—Mesne profits to be claimed from date of service of writ.
Canas Property Co. Ltd. v. K. L. Television Services Ltd., C.A. [1970] 2 Q.B. 433; [1970] 2 W.L.R. 1133.

Mesne profits, claim for

Alteration of previous practice—Mesne profits to be claimed from date of service of writ for possession and not from date of issue of writ.
Canas Property Co. Ltd. v. K. L. Television Services Ltd., C.A. [1970] 2 Q.B. 433; [1970] 2 W.L.R. 1133.

99-year lease granted in 1880

Identity of lessee in doubt—Application by freeholders for leave to proceed against three individuals as possible lessee for breach of covenant to repair—Solicitor "for lessee" declining to disclose lessee's identity and serving purported counter-notice claiming benefit of statute protecting assignees of fag end of long leases—Lessee not identified on application for leave to proceed—Leave granted to institute proceedings against three respondents, including solicitor, on finding that on evidence lessee was to be found among the three—Whether leave properly granted—Leasehold Property (Repairs) Act, 1938, s. 1 (3). **Pascall v. Galinski,** C.A. [1970] 1 Q.B. 38; [1969] 3 W.L.R. 626.

Protection from Eviction Act, 1964

Writ of possession—Breach of covenant to pay rent—Limitation on landlord's right to take proceedings in the High Court—"Termination" of tenancy—Restrictive Provisions of the Act—Whether writ of summons issued in High Court enforces right to possession—Whether judgment of High Court terminates tenancy—Legal consequences of writ of summons and obtaining of judgment—Whether writ of possession should issue—"Proceedings in court"—Protection from Eviction Act, 1964, ss. 1 (1) (3), 4 (1) (3).
Borzak v. Ahmed, Fenton Atkinson J. [1965] 2 Q.B. 320; [1965] 2 W.L.R. 1155.

Rent of defaulting tenant paid by guarantor—Guarantor granted reversionary lease—In possession prior to reversionary lease as trespassers—Whether a re-entry by guarantor on grant of reversionary lease.
London and County (A. & D.) Ltd. v. Wilfred Sportsman Ltd. (Greenwoods (Hosiers & Outfitters) Ltd. Third Party), C.A. [1970] 3 W.L.R. 418.

LANDLORD AND TENANT—*continued.*

Forfeiture of lease—*continued.*

Relief from forfeiture

Immoral user—Covenant, breach of—Covenant against use of premises for other than residential purposes—User of residential premises by sub-tenant for business of prostitution—Tenant ignorant of such user—Notice specifying breach of covenant stating breach incapable of remedy—Whether breach of covenant capable of remedy—Whether notice defective—Law of Property Act, 1925, s. 146 (1).
Glass v. Kencakes Ltd., Paull J. [1966] 1 Q.B. 611; [1965] 2 W.L.R. 363.

Inherent jurisdiction—Peaceable re-entry by landlord—Non-payment of rent—Whether jurisdiction to grant tenant relief—Supreme Court of Judicature (Consolidation) Act, 1925, s. 46—County Courts Act, 1959, s. 191 (3)
Lovelock v. Margo, C.A. [1963] 2 Q.B. 786; [1963] 2 W.L.R. 794.

——————————Whether rule of limitation applicable—Non-payment of rent—Plaintiff claiming relief with reasonable promptitude—Whether relief should be given—Common Law Procedure Act, 1852.
Thatcher v. C. H. Pearce & Sons (Contractors) Ltd., Sir Jocelyn Simon P. [1968] 1 W.L.R. 748.

Mortgagee—Tenant's failure to pay rent—Claim by mortgagee to relief—Terms on which relief granted—Equitable jurisdiction—Common Law Procedure Act, 1852, s. 210—Law of Property Act, 1925, s. 146 (4)—Supreme Court of Judicature (Consolidation) Act, 1925, s. 46. **Belgravia Insurance Co. Ltd. v. Meah**, C.A. [1964] 1 Q.B. 436; [1963] 3 W.L.R. 1033.

Non-payment of rent—Sub-sub-lease of site of two houses on bombed site—No rent paid for 22 years—Application for relief by recent purchaser—Exceptional circumstances—Whether relief should be granted—Law of Property Act, 1925, s. 146 (4).
Public Trustee v. Westbrook, C.A. [1965] 1 W.L.R. 1160.

——————————Tender of rent and costs—Rent less than six months in arrear—Whether tender effective in staying proceedings for ejectment—Common Law Procedure Act, 1852, s. 212. **Standard Pattern Co. Ltd. v. Ivey**, Wilberforce J. [1962] Ch. 432; [1962] 2 W.L.R. 656.

Squatter's rights—Squatter having acquired title against leaseholder—Forfeiture by landlord—Whether squatter entitled to apply for relief.
Tickner v. Buzzacott, Plowman J. [1965] Ch. 426; [1965] 2 W.L.R. 154.

Sub-tenant—Premises let at rent of £3,640 per annum—Part of premises sublet—Breach of covenant to pay rent due under head lease—Claim by sub-tenant of part of premises for relief against forfeiture—Terms on which relief to be granted—Law of Property Act, 1925, s. 146 (4).
Chatham Empire Theatre (1955) Ltd. v. Ultrans Ltd., Salmon J. [1961] 1 W.L.R. 817.

Unreasonable conduct by landlord.
Segal Securities Ltd. v. Thoseby, Sachs J. [1963] 1 Q.B. 887; [1963] 2 W.L.R. 403.

Harassment

Caravan

Residential occupation of caravan on piece of land for 10 years—Caravan not permanently attached to soil—Whether inference that an agreement that owner should occupy caravan on that land—Whether caravan and land together "premises"—Whether occupier of caravan "resident occupier"—Rent Act, 1965, s. 30 (2) (5).
Norton v. Knowles, D.C. [1969] 1 Q.B. 572; [1968] 3 W.L.R. 183.

Insurance

Interest of third party in policy

Covenant—Covenant to keep premises insured against fire in joint names of lessor and lessee and to reinstate in event of damage or destruction by fire—Premiums paid by lessee—Premises destroyed by fire—Supervening circumstances rendering reinstatement of premises impossible—Whether lessor entitled to share in insurance moneys—Effect of insurance policy in joint names.
In re **King, decd.**, C.A. [1963] Ch. 459: [1963] 2 W.L.R. 629.

Lease

Option

Uncertainty—Option for renewal at such rent "as may be agreed"—Whether void.
King's Motors (Oxford) Ltd. v. Lax, Burgess V.-C. [1970] 1 W.L.R. 426.

Tenancy agreement

Reductions in area and rent by successive surrenders—Subsequent rent increases agreed by assignee of tenancy—Whether resulting in surrender by operation of law of existing and creation of new tenancy.
Jenkin R. Lewis & Son Ltd. v. Kerman, C.A. [1970] 3 W.L.R. 673.

LANDLORD AND TENANT—*continued.*

Leasehold reform

Enfranchisement

Act of 1967—Building of three floors and basement erected as dwelling-house in 1869—Tenant seeking right to acquire freehold—Tenant subletting ground floor as betting shop and using rest of building for living in—Whether building a "house . . . and reasonably so called"—Whether question of fact or inference from facts found—Whether right of appeal against county court judge's finding—Leasehold Reform Act, 1967, s. 2 (1). **Lake v. Bennett,** C.A. [1970] 1 Q.B. 663; [1970] 2 W.L.R. 355.

———Landlord cannot be found or identity ascertained—Application for order that property be vested in lessee—Nominal pecuniary rent—"Appropriate sum" for payment into court—Form of conveyance—Leasehold Reform Act, 1967, s. 27.
In re **Frost's Application,** Buckley J. [1970] 1 W.L.R. 1145.

———Application to court with view to vesting of property in lessee—Procedure—Advertisement—Valuation—"Appropriate sum" for payment into court—Form of conveyance—Covenants for title—Form of order—Costs of application—Avoidance of heavy costs—Leasehold Reform Act, 1967, s. 27—R.S.C. (Rev. 1965), Ord. 5, r. 3.
In re **Robertson's Application,** Megarry J. [1969] 1 W.L.R. 109.

———Tenant's notice—"Freehold or an extended lease"—Notice in alternative form—Tenant's mistake known to landlords—Effect on statutory contract—Leasehold Reform Act, 1967, ss. 1 (1), 5 (1), 8 (1), 14 (1) (2) (4), Sch. 3.
Byrnlea Property Investments Ltd. v. Ramsay, C.A. [1969] 2 Q.B. 253; [1969] 2 W.L.R. 721.

Right to acquire freehold of leasehold house

"Long tenancy at a low rent"—Tenant occupying basement of house and subletting other parts—Whether occupying as residence "in part only"—Whether entitled to acquire freehold on fair terms—Leasehold Reform Act, 1967, ss. 1 (1) (*a*) (*b*) (2) (*a*), 2 (1) (*a*) (3), Sch. 3, Pt. II. para. 6 (1) (*d*) (i).
Harris v. Swick Securities Ltd., C.A. [1969] 1 W.L.R. 1604.

Licence or tenancy. *See* HUSBAND AND WIFE; LICENCE OR TENANCY.

Limitation of action. *See* LIMITATION OF ACTION.

Merger

Effect of merger of lease in freehold

Lessor's covenant not to build on land adjacent to that demised—Adjacent land sold—Express merger of leasehold and freehold interests in demised land—Whether benefit of covenants extinguished.
Golden Lion Hotel (Hunstanton) Ltd. v. Carter, Cross J. [1965] 1 W.L.R. 1189.

Squatter's title against lessee—Whether effective against freeholder.
St. Marylebone Property Co. Ltd. v. Fairweather, C.A. [1962] 1 Q.B. 498; [1961] 3 W.L.R. 1083.
H.L.(E.) [1963] A.C. 510; [1962] 2 W.L.R. 1020.

Mortgage. *See* MORTGAGE.

Notice to quit. (*See also* AGRICULTURAL HOLDING.)

Allotment garden

Length of notice—Whether contractual provision wholly replaced by statutory—Allotments Act, 1922, s. 1 (1) (*a*) (as amended by Allotments Act, 1950, s. 1).
Wombwell Urban District Council v. Burke, C.A. [1966] 2 Q.B. 149; [1966] 2 W.L.R. 669.

Business premises

New tenancy for three years "from" May 1, 1963—First rent payable on May 1, 1963—Rent payable in advance—Notice terminating on April 30, 1966—Validity of notice—Landlord and Tenant Act, 1954, s. 25 (4).
Ladyman v. Wirral Estates Ltd., Fisher J. [1968] 2 All E.R. 197.

Computation of period

Premises let furnished as a dwelling—Four weeks' notice given on Friday, March 4, to expire on Friday, April 1—"Not less than four weeks"—Whether four clear weeks required—Whether notice valid—Rent Act, 1957, s. 16.
Schnabel v. Allard, C.A. [1967] 1 Q.B. 627; [1966] 3 W.L.R. 1295.

Effect

Successive notices—Whether first notice withdrawn by second—Notice given before commencement of tenancy—Validity.
Lower v. Sorrell, C.A. [1963] 1 Q.B. 959; [1963] 2 W.L.R. 1.

LANDLORD AND TENANT—*continued.*

Notice to quit—*continued.*

Form

Service by solicitors "on behalf of your landlord Mr. R. P. H."—R. P. H. not landlord but general agent of landlords—Known to tenant as landlord—Notice addressed to tenant stating Christian name as "Walter"—Tenant Polish—Name "Wladyslaw"—Whether notice good. **Harmond Properties Ltd. v. Gajdzis,** C.A. [1968] 1 W.L.R. 1858.

Motive

Evidence by tenant in action against landlord—Notice to quit served to punish tenant—Whether a lawful exercise of right to serve notice—Whether rendered tortious by vindictive motive. **Chapman v. Honig,** C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Periodic tenancy

Provision for termination of tenancy—Proviso imposing condition as to notice to quit—Whether proviso repugnant to nature of periodic tenancy—Notice to quit not complying with proviso—Whether notice valid. *In re* **Midland Railway Co.'s Agreement,** Foster J. [1970] Ch. 568; [1970] 2 W.L.R. 1328.

Option to extend term

Conditions

Option to take further lease conditional on performance of covenants—Date for determining whether covenants performed—Breach of covenant to paint in last year of term—Premises in good state of repair—Premises frequently seen by landlord—No objection by landlord to state of repair—Whether tenant entitled to exercise option—Whether breach of covenant waived.
West Country Cleaners (Falmouth) Ltd. v. Saly, C.A. [1966] 1 W.L.R. 1485.

Option to take further lease

Lease for seven years—Covenant to grant further lease for seven years without option to renew—New lease for four years granted on tenants' application—Mutual covenant in new lease to observe "several covenants provisos and stipulations in" original lease—Whether exercise of option—Whether further right to renewal.
Plumrose Ltd. v. Real and Leasehold Estates Investment Society Ltd., Foster J. [1970] 1 W.L.R. 52.

Lease for 21 years—Option to take further lease in agreement under hand—Option exercisable more than 21 years from date of lease—Whether valid—Whether covenant having "reference to the subject-matter of the lease"—Whether reversionary estate bound by option—Whether option running with reversion—Law of Property Act, 1925, ss. 142, 149 (3). **Weg Motors Ltd. v. Hales,** C.A. [1962] Ch. 49; [1961] 3 W.L.R. 558.

Option to purchase

Assignment

Parties defined as landlord and tenant—Whether option personal to tenant—Lease assigned—Option to purchase not mentioned—Subsequent assignment of option—Whether option exercisable by assignee of term.
In re **Button's Lease,** Plowman J. [1964] Ch. 263; [1963] 3 W.L.R. 903.

Option to purchase freehold

Lease for seven years

Option contained in lease and not registered—Whether overriding interest—Land Registration Act, 1925, s. 70 (1) (*g*).
Webb v. Pollmount Ltd., Ungoed-Thomas J. [1966] Ch. 584; [1966] 2 W.L.R. 543.

Practice

Dual relief

Writ claiming possession and injunctions arising out of breaches of covenant—Motion for injunctions pending trial—Whether issue of writ unequivocal demand for possession determining lease—Whether intention to treat lease as no longer subsisting so as to preclude relief based on breach of covenant.
Calabar Properties Ltd. v. Seagull Autos Ltd., Buckley J. [1969] 1 Ch. 451; [1968] 2 W.L.R. 361.

Premises demised

Walls enclosing part of building let

Decorative cornice fixed to wall—Whether demised.
Sturge v. Hackett, C.A. [1962] 1 W.L.R. 1257.

Protection from eviction

Agricultural cottage

Licence or service occupation—Occupant ceasing to work in agriculture but remaining on in agricultural cottage—Possession application—No notice to quit required to terminate occupation—"Person employed in agriculture . . . deemed to have been a tenant"—Discretion in court to suspend order for possession on terms—Rent Act, 1957, s. 16—Protection from Eviction Act, 1964, s. 1 (6).
Crane v. Morris, C.A. [1965] 1 W.L.R. 1104.

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Protection from eviction—*continued.*

Mortgagor's "tenants"

Charge excluding mortgagor's statutory powers of leasing—Whether persons remaining in possession after determination of tenancies entitled to protection against mortgagee seeking possession—Distinction between tenancy granted before property charged and one granted subsequent to charge—Protection from Eviction Act, 1964, ss. 1, 2, 4.
Bolton Building Society v. Cobb, Russell L.J. [1966] 1 W.L.R. 1.

Rent

Certainty

Increase of rent dependent on whim of landlord—Whether certain at time of payment—Prices and Incomes Act, 1968, s. 12 (1) (3).
Greater London Council v. Connolly, C.A. [1970] 2 Q.B. 100; [1970] 2 W.L.R. 658.

Income tax. See REVENUE.

Rent book

Residential tenant—Rent payable weekly—Landlord's failure to provide proper rent book —Information required by statute not provided in rent book—Offence committed—Whether landlord precluded from recovering rent—Landlord and Tenant Act, 1962, ss. 1 (1), 2, 4. **Shaw v. Groom,** C.A. [1970] 2 Q.B. 504; [1970] 2 W.L.R. 299.

When payable

Term continuing until end of date fixed for payment—Time of maturing when tenants' liability to pay—Moment of accrual of costs of action to recover rent.
In re **Aspinall, decd.,** Buckley J. [1961] Ch. 526; [1961] 3 W.L.R. 235.

Rent restriction

Alternative accommodation

Offer of part of demised premises—Whether capable in law of being "alternative" accommodation—Offer of rooms presently occupied less sitting-room—Tenant habitually living in bedroom and kitchen—Sitting-room fully furnished by tenant but rarely used —Whether accommodation offered "reasonably suitable to the needs of the tenant" —Whether reasonable to make possession order—Rent Act, 1968, ss. 1, 10 (1) (*a*), Sch. 3, Part IV, paras. 2, 3 (1) (*b*). **Mykolyshyn v. Noah,** C.A. [1970] 1 W.L.R. 1271.

Part of premises let—Tenancy for dwelling and professional purposes—Artists's home and studio—Offer of two of three rooms occupied—Whether "reasonably suitable to the needs of the tenant"—Whether reasonable to make possession order—Rent Act, 1968, ss. 9 (1), 10 (1) (4), Sch. 3, Pt. IV, paras. 2, 3, 4.
MacDonnell v. Daly, C.A. [1969] 1 W.L.R. 1482.

Contractual terms

Covenant to reinstate after alterations—Tenant entitled to statutory protection at end of lease—Whether obligations to reinstate extinguished at end of contractual term—Whether protected tenancy "on the same terms as before"—Landlord and Tenant Act, 1954, Pt. 1, s. 3 (2) (*a*).
Byrne v. Herbert, Lawton J. [1966] 2 Q.B. 121; [1966] 2 W.L.R. 19.

Death of tenant

Contractual tenant—Widow occupying as statutory tenant—Controlled premises—Death of widow prior to Rent Act, 1965—Children remaining on in premises—Children second successors—Second successors given statutory protection by Rent Act, 1965—Distinction between "controlled tenancies" and "regulated tenancies"—Whether statutory protection for second successors of controlled tenancies retrospective—Rent Act, 1965, ss. 13, 20. **Brown v. Conway,** C.A. [1968] 1 Q.B. 222; [1967] 3 W.L.R. 618.

Housekeeper of deceased tenant—Tenant cared for and nursed by housekeeper—Housekeeper regarding tenant as an elder relative—Whether a member of tenant's family—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Ross v. Collins, C.A. [1964] 1 W.L.R. 425.

Statutory tenancy—Husband and son of tenant qualifying for succession—Application to county court to determine successor in default of agreement—Finding of merits in son and greater hardship in husband—Tenancy awarded to husband—Whether discretion exercised on correct principles—Rent Act, 1968, Sch. 1, para. 3.
Williams v. Williams, C.A. [1970] 1 W.L.R. 1530.

Transmission on death of statutory tenant—Whether transmissible to a number of persons jointly—Son and daughter residing with father at his death—Issue of rent books in son's name for 15 years—No inference of contractual tenancy from landlords' acceptance of rent from person entitled to status of irremovability—Burden of proof in action for possession of a rent-controlled dwelling-house—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*).
Dealex Properties Ltd. v. Brooks, C.A. [1966] 1 Q.B. 542; [1965] 2 W.L.R. 1241.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Death of tenant—continued.

Widow occupying as statutory tenant—Son living in house having left wife—Son retaining tenancy of matrimonial home—Whether "residing with" mother—Rent Act, 1968, Sch. 1, para. 7. **Morgan v. Murch,** C.A. [1970] 1 W.L.R. 778.

——————————————Widow's absence in hospital for three years until her death—Son taking up residence in flat while mother in hospital—Whether "residing with" mother at the time of and immediately before her death—Rent Act, 1968, Sch. 1, para. 7. **Foreman v. Beagley,** C.A. [1969] 1 W.L.R. 1387.

Decontrol

Sublease—Part of premises unlawfully sublet before decontrol of whole house—Waiver of unlawful subletting after date of decontrol—Whether waiver operative retrospectively to protect sub-tenant against head landlord—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 15 (3)—Housing Repairs and Rents Act, 1954, s. 41—Rent Act, 1957, s. 11, Sch. 4.
Muspratt v. Johnston, C.A. [1963] 2 Q.B. 283· [1963] 2 W.L.R. 1153.

Transitional provisions—Premises decontrolled by Rent Act, 1957, subject to temporary protection—New tenancy agreement for three years at increased rent—Notice in Form S not served—Further agreements for monthly and weekly tenancies—Notice to quit—Whether landlords entitled to possession—Rent Act, 1957, s. 11 (1) (2) (7), Sch. 4, paras. 1, 2 (2), 3, 4—Rent Restrictions Regulations, 1957, para. 7, Sch. 4.
King v. Bristow, C.A. [1965] 1 W.L.R. 718.

————————————Statutory tenancy of whole premises before decontrol—Rateable value more than £40—Premises decontrolled by Rent Act, 1957—New tenancy of ground floor—Rateable value of ground floor under £40—Whether statutory tenancy of whole premises continued—Whether statutory tenancy "controlled tenancy"—Whether tenant entitled to possession—Housing Repairs and Rents Act, 1954, s. 49 (1)—Rent Act, 1957, ss. 11 (1) (2) proviso (7), 25 (1), Sch. 4, paras. 2 (1) (2) (4), 3, 4, 5 (1).
Cheesman v. Bagnall, Paull J. [1962] 1 W.L.R. 672.

Divorce

Transfer of statutory tenancy to wife—Trespasser—Wife's right to injunction—Whether wife having "estate"—"Spouse . . . deemed to be the tenant"—Whether present right to protect future interest by injunction—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 17 (2)—Supreme Court of Judicature (Consolidation) Act, 1925, s. 45 (3)—Rent Act, 1957, s. 19 (3).
Maynard v. Maynard, Baker J. [1968] P. 88; [1969] 2 W.L.R. 22.

Estoppel per rem judicatam. See ESTOPPEL.

Furnished letting

Furnished sub-tenancy of one room—Expiry of tenant's interest and of sub-tenancy on March 25, 1966—Removal of furniture by tenant 12 hours before expiry of interest—Whether character of letting altered—Whether unfurnished tenancy for final 12 hours.
Chalcot Developments Ltd. v. De Gray, C.A. [1968] 1 Q.B. 1; [1967] 2 W.L.R. 1305.

Furnished tenancy of flat—Gradual refurnishing of flat by tenant with own furniture—Bulk of landlords' furniture stored in cellar—Available for use by tenant—Some items of landlords' furniture given to other flats—Whether furnished tenancy converted into unfurnished tenancy — Whether possible for furnished tenancy to be converted into unfurnished tenancy by gradual replacement of landlords' furniture—Rent Act, 1968, s. 2 (1) (*b*). **Klassnick v. Allen,** C.A. [1969] 1 W.L.R. 1616.

Licensee occupying furnished bedsitting room on weekly contract—Premises described as "hotel" consisting of rooms separately occupied—Room and other services included in weekly payments—Occupier asked to pay higher rent—Reference to furnished rent tribunal followed by 48 hours' notice and exclusion of occupier from room by changing key to door—Whether room "part of a house"—Whether occupier having room has "right to occupy as a residence"—Whether in "exclusive occupation"—Whether protected by Rent Acts—Whether interim injunction should go to restore access and occupation in accordance with contract—Rent Act, 1965, s. 30 (1) (5)—Rent Act, 1968, ss. 70 (1) (2), 77 (1) (2), 84 (1).
Luganda v. Service Hotels Ltd., C.A. [1969] 2 Ch. 209; [1969] 2 W.L.R. 1056.

Harassment

Withholding service—"Persistently"—"Withholds"—Whether persistence element of offence—Whether service withheld by landlord's failure to pay for gas or electricity resulting in disconnection—Whether withdrawn—"Acts calculated to interfere with the peace or comfort of . . . occupier"—Whether material allegation—Lavatory boarded up—Information containing no allegation of calculated interference with peace or comfort—Whether defective—Enforcement of provisions of Act by local authorities—Information—Need for proper framing—Rent Act, 1965, s. 30 (2).
Westminster City Council v. Peart, D.C. (1968) 66 L.G.R. 561.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Housing Act, 1957

Protection from eviction—Housing association—Uncontrolled premises let on seven-year lease—Statutory housing association becoming landlords during currency of lease—Statute giving exemption from Rent Act protection to housing associations where "provision of premises . . . forms part of the purposes for which association's business is 'mainly conducted'"—Whether association has provided premises with tenant already in occupation—Whether tenant outside protection of Rent Acts in proceedings for possession—Housing Repairs and Rents Act, 1954, s. 33 (1) (2) (*b*)—Housing Act, 1957, s. 189—Rent Act, 1965, ss. 1, 20.
Dolphin Square Trust Ltd. v. Hartman, C.A. [1967] 1 W.L.R. 586.

Landlord by purchase

House and personalty bequeathed by mother to plaintiff and three other children in equal shares—House vested in plaintiff by agreement with fellow beneficiaries—Family arrangement—Payment by plaintiff of three-quarters of probate value of house—Whether plaintiff a landlord by purchase—Rent Act, 1968, s. 10, Sch. 3, Pt. I, Case 8.
Thomas v. Fryer, C.A. [1970] 1 W.L.R. 845.

Licence or tenancy. See LICENCE OR TENANCY.

Notice of increase of rent

Validity—Slight error in particulars—Increase correct—Form of notice—Whether notice served by landlords—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 3 (2). **Fredco Estates Ltd. v. Bryant,** C.A. [1961] 1 W.L.R. 76.

Personal occupation

"Let as a separate dwelling"—House formerly sublet in two parts—Tenant residing in upper part—Genuine intention to convert whole into home—Whether protected in respect of whole—Landlord and Tenant Act, 1954, s. 22 (3).
Haines v. Herbert, C.A. [1963] 1 W.L.R. 1401.

Long lease of large house—Part of house occupied by assignee of lease—Rest of house sublet furnished without consent—Rateable value of whole house above Rent Act limits—Rateable value of part occupied by assignee within protected limit—Whether house protected as "let as a separate dwelling"—Whether tenant protected by Landlord and Tenant Act, 1954, Pt. I, ss. 2 (1), 3 (3), 22 (3).
Crown Lodge (Surbiton) Investments Ltd. v. Nalecz, C.A. [1967] 1 W.L.R. 647.

Parts of house occupied by protected sub-tenants—Tail end of lease of whole house acquired by tenant—Tenant in process of making permanent home in parts of dwelling-house at date of expiration of lease—Acts of occupation by sleeping in partially furnished premises—Intention to make home—Whether in personal occupation—Whether tenant entitled to statutory protection—Whether protected in respect of whole house—Landlord and Tenant Act, 1954, Pt. I, ss. 2 (1), 22 (3).
Herbert v. Byrne, C.A. [1964] 1 W.L.R. 519.

Possession application

Consent order—Possession postponed for six months—New Act—Tenant's application to vary or rescind order—Whether provision applicable to consent orders—Rent Act, 1965, s. 21 (1) (*b*).
Mouat-Balthasar v. Murphy, C.A. [1967] 1 Q.B. 344; [1966] 3 W.L.R. 695.

Forfeiture of lease—Non-payment of rent—Premises subject to the Rent Acts—Writ of possession—Whether limitation on landlord's right to recover possession—Proceedings commenced in High Court—Judgment obtained by landlord under R.S.C., Ord. 14, after default of appearance by tenant—No prior consideration by a court as to whether reasonable to give judgment for possession—Whether judgment a nullity—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1)—Rent Act, 1965, ss. 1 (1), 31, 35 (3)—R.S.C., Ord. 47, rr. 1, 2. **Peachey Property Corpn. Ltd. v. Robinson,** C.A. [1967] 2 Q.B. 543; [1966] 2 W.L.R. 1386.

——————Relief from forfeiture—Non-payment of rent—Premises subject to Rent Acts—Order for possession—Operation determines only contractual tenancy—Proper form of order—Ordinary form misleading—County Courts Act, 1959, s. 191—County Court Rules, 1936, Ord. 24, r. 4 (1), Form 134.
Wolmer Securities Ltd. v. Corne, C.A. [1966] 2 Q.B. 243; [1966] 2 W.L.R. 1381.

Greater hardship—Controlled premises—Tenant in possession for 30 years—Medical evidence as to mental condition of landlord—General health likely to deteriorate if order for possession not made—Whether court entitled to take into account—Rent Act, 1968, s. 10, Sch. 3, Pt. I, Case 8, Pt. III, para. 1.
Thomas v. Fryer, C.A. [1970] 1 W.L.R. 845.

Judgment by default—Premises subject to Rent Acts—Writ claiming possession, arrears of rent and service charges, and mesne profits—Motion for leave to sign final judgment—Whether motion appropriate procedure—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3—R.S.C. (Rev. 1965), Ord. 19, rr. 2 (1), 3, 5, 6.
Peachey Property Corpn. Ltd. v. Morley, Pennycuick J. [1967] 1 W.L.R. 1134.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Possession application—continued.

Matrimonial home—Statutory tenant's departure from house—Continued occupation by wife—Husband and wife sued for possession—Neither present in court—Possession order against husband—Order unexecuted—Whether wife's right to apply for suspension of order—Whether right in statutory tenant alone—Whether wife's right of occupation through husband—Rent Act, 1968, s. 11—Matrimonial Homes Act, 1967, s. 1 (1).
Penn v. Dunn, C.A. [1970] 2 Q.B. 686; [1970] 3 W.L.R. 321.

Personal occupation, for—Elderly and infirm landlord requiring services—Proposed occupation of premises by married couple with a view to looking after him—Occupation as a separate household—Whether premises reasonably required by landlord as a residence for himself—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, Sch. I (*h*). **Richter v. Wilson,** C.A. [1963] 2 Q.B. 426; [1963] 2 W.L.R. 1247.

Premises not subject to Rent Acts — Lease of "shop and premises" — Part sublet as dwelling-house in breach of covenant—Whether a "dwelling-house"—Onus—Whether let as a "separate dwelling"—Whether leave should be given to sign judgment for possession—Rent Act, 1968, s. 1 (1)—R.S.C. (Rev. 1965), r. 5 (3).
Ponder v. Hillman, Goff J. [1969] 1 W.L.R. 1261.

Premises "required by law" to be demolished—Unsafe premises—Notice to demolish by local authority—West Indies.
Mauritzen v. Gordon Grant & Co. Ltd., P.C. [1964] A.C. 1429; [1964] 3 W.L.R. 217.

Premises subject to Rent Acts—Non-payment of rent, rates and service charges—Appearance entered, but tenant in default of defence—Summons asking that landlords be at liberty to sign judgment for possession—Whether reasonable to make an order—Jurisdiction—R.S.C. (Rev. 1965), Ord. 19, r. 5—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. 1.
Lircata Properties Ltd. v. Jones, Pennycuick J., [1967] 1 W.L.R. 1257.

Premises within the Acts

Basement room let on weekly tenancy—Claim for possession as furnished accommodation—Disputed by tenant—Prior reference by tenant to rent tribunal—Referred to in defence but not relied on by landlord at hearing—Not referred to in judgment—Whether judgment invalidated—Finding that rental value of furniture not a substantial part of rent—Whether proper considerations taken into account—Rent Act, 1968, s. 2 (1) (*b*).
Thomas v. Pascal, C.A. [1969] 1 W.L.R. 1475.

Exclusive occupation of part of house in return for unquantified services—Whether "rent" within meaning of Rent Acts.
Barnes v. Barratt, C.A. [1970] 2 Q.B. 657; [1970] 2 W.L.R. 1085.

Fourteen-year tenancy of flat—Tenant of flat granted quarterly tenancy of room outside flat for the use of his domestic servant—Rent for flat and room paid by a single cheque—Whether flat and room let as a single tenancy—Whether Rent Acts applicable.
Metropolitan Properties Co. (F.G.C.) Ltd. v. Barder, C.A. [1968] 1 W.L.R. 286.

Furnished letting—Considerations to be taken into account in determining whether furnished letting—Premises let for temporary purpose—Subsequent reference of tenancy by tenant to rent tribunal—Sufficient furniture provided by landlord—1/15th of original rent attributable to use of furniture—Whether a "substantial part of the . . . rent"—Whether tenant's conduct relevant—Whether premises let furnished—Rent Act, 1968, s. 2 (1) (*b*) (3). **Goel v. Sagoo,** C.A. [1970] 1 Q.B. 1; [1969] 2 W.L.R. 318.

Rateable value on appropriate day—Dwelling-house in Greater London—Rateable value exceeding limit on appropriate day—Rateable value reduced below limit—Valuation list altered to date after "appropriate day"—Excess rate repaid to date before "appropriate day" on certificate of valuation officer—Whether premises protected—Rating and Valuation Act, 1961, s. 17—Rent Act, 1965, ss. 1, 43 (4)—General Rate Act, 1967, ss. 9, 79. **Gwynne Trusts Ltd. v. Rodwell,** C.A. [1969] 1 W.L.R. 740.
H.L.(E.) [1970] 1 W.L.R. 327.

"Separate dwelling house"—Whether test same for Rent Act and town planning purposes—Town and Country Planning Act, 1962, s. 12 (3).
Ealing Corpn. v. Ryan, Divl.Ct. [1965] Q.B. 486; [1965] 2 W.L.R. 223.

Sublease—Agricultural cottage—Head lease of agricultural holding—Farm cottage on holding sublet—Sub-tenant not employed on farm—Surrender of head lease by tenant—Whether sub-tenant protected—"Premises"—Housing Repairs and Rents Act, 1954, s. 41. **Hobhouse v. Wall,** C.A. [1963] 2 Q.B. 124; [1963] 2 W.L.R. 604.

————Lease of agricultural holding—Farm cottage on holding sublet—Sub-tenant not employed on farm—Whether sub-tenant protected—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2) (iii).
Critchley v. Clifford, C.A. [1962] 1 Q.B. 131; [1961] 3 W.L.R. 763.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Premium

Part of house let to statutory tenant—Prospective purchaser of house to pay tenant for surrender of tenancy—Prospective purchaser let into possession pending completion—Prospective purchaser in receipt of rent from statutory tenant—Reassurances by prospective purchaser that he would fulfil agreement—Surrender of statutory tenancy—Whether agreement illegal—Whether new agreement after purchaser let into possession—" Landlord "—Whether purchaser " landlord "—Rent Act, 1968, ss. 13 (1), 113 (1).
Sheridan v. Dickson, C.A. [1970] 1 W.L.R. 1328.

Rent assessment

" Fair rent "—Application by tenant—Whether personal application essential—Application by tenants' association on behalf of tenants—Prescribed form bearing name of association but no signature—Whether a nullity—Whether unincorporated body capable of acting as tenant's agent—" Rent proposed to be registered "—Amount not stated—Use of words from which rent calculable with certainty—Whether sufficient—Rent Act, 1965, s. 26 (5), Sch. 3, paras. 1, 2—Rent Regulation (Forms, etc.) (England and Wales) Regulations, 1965, reg. 7, Form 4, para. 9.
Reg. v. London Rent Assessment Panel, *Ex parte* **Braq Investments Ltd.,** D.C. [1969] 1 W.L.R. 970.

——————Cost of services—" Sums payable by . . . tenant to . . . landlord . . . for services " — Specific assessment of part of rent attributable to services — Whether desirable—Desirability of committee stating principle on which acting—Whether committee bound to adopt cost of services approach — Assessment of cost of services — Relevant considerations — Comparable property — Evidence — Management charge — Whether management cost and profit admissible factors in assessing cost of services—Rent Act, 1965, s. 28 (1), Sch. 3, paras. 3 (*b*), 12 (*b*), 13—Tribunals and Inquiries Act, 1958, s. 9 (1).
Metropolitan Properties Co. (F.G.C.) Ltd. v. Lannon, Divl.Ct. [1968] 1 W.L.R. 815.
C.A. [1969] 1 Q.B. 577; [1968] 3 W.L.R. 694.

——————Management charge—Whether cost of management of services chargeable to tenant—Landlord claiming percentage of cost as management charge—Whether rent assessment committee bound to allow percentage—Selective employment tax on staff engaged in services—Whether chargeable to tenant—" Sums payable by . . . tenant to . . . landlord . . . for services "—Rent Act, 1965, s. 28 (1), Sch. 3, para. 12 (*b*).
Metropolitan Properties Co. Ltd. v. Noble, Divl.Ct. [1968] 1 W.L.R. 838.

——————Rent proposed by landlords based on reasonable return on replacement cost—Committee fixing lower rent by reference to " comparable "—Whether entitled to do so—Market rent less scarcity value—Comparable as best evidence of—Rent Act, 1968, s. 46 **Tormes Property Co. Ltd. v. Landau,** D.C. [1970] 3 W.L.R. 762.

——————Rent sought to be registered not stated on application form—Whether application and subsequent proceedings a nullity—Rent Act, 1965, Sch. 3—Rent Regulation (Forms, etc.) (England and Wales) Regulations, 1965.
Chapman v. Earl, D.C. [1968] 1 W.L.R. 1315.

——————Valuation—Percentage of capital cost in 1962 and annual cost of repairs—Whether deduction for scarcity value possible—Whether proper method of valuation—Rent Act, 1968, s. 46 (1) (2).
Anglo Italian Properties Ltd. v. London Rent Assessment Panel, D.C. [1969] 1 W.L.R. 730.

——————Whether rent assessment committee bound to act on evidence—Applicability of rules of natural justice—Capital value of property—Relevance of contractor's test—Scarcity element—Rent Act, 1965, s. 27.
Crofton Investment Trust Ltd. v. Greater London Rent Assessment Committee, Divl.Ct. [1967] 2 Q.B. 955; [1967] 3 W.L.R. 256.

Rent assessment committee

Bias—Chairman—Company in group owning flat in different area leased by chairman's father with whom chairman residing—Application for determination by rent officer of fair rent of flat of chairman's father—Chairman solicitor advising father and other tenants in dispute with their landlords—Whether connection too remote to justify inference of bias in chairman—Whether sufficient to disqualify for bias—Whether proper to raise complaint of chairman's bias on appeal.
Metropolitan Properties Co. (F.G.C.) Ltd. v. Lannon, Divl.Ct. [1968] 1 W.L.R. 815.
C.A. [1969] 1 Q.B. 577; [1968] 3 W.L.R. 694.

Practice—Evidence—Whether committee bound to hear any evidence tendered—Expert opinion—Whether binding—Committee's own knowledge and impression—Whether entitled to use—Comparable property—Whether particular comparable binding as determining factor in absence of other evidence—Tendered evidence proving unacceptable or unreliable—Whether committee to do best in circumstances.
Metropolitan Properties Co. (F.G.C.) Ltd. v. Lannon, Divl.Ct. [1968] 1 W.L.R. 815.

LANDLORD AND TENANT—*continued.*

Rent restriction—*continued.*

Shared accommodation

Shared use of scullery for cooking—Whether separate letting—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (2).
Fredco Estates Ltd. v. Bryant, C.A. [1961] 1 W.L.R. 76.

Two rooms let to tenant together with use of kitchen and bathroom with the landlords' employees—Limited use by landlords' employees—Whether let as a separate dwelling—Whether a protected tenancy—Landlord and Tenant (Rent Control) Act, 1949, ss. 7, 8.
Marsh Ltd. v. Cooper, C.A. [1969] 1 W.L.R. 803.

Sublease

Subletting of entire premises without landlord's consent—Claim for possession—Re-occupation of part of premises before commencement of proceedings—Jurisdiction to make order for possession—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1) (*a*), Sch. 1, para. (*d*). **Finkle v. Strzelczyk,** C.A. [1961] 1 W.L.R. 1201.

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Furnished premises

Jurisdiction of tribunal—Landlord's reference—Premises not subject to existing contract of letting—Whether tribunal has jurisdiction to hear reference—Rent Act, 1968, s. 75 (1).
Reg. v. East London Rent Tribunal, *Ex parte* **Schryer,**
D.C. [1970] 1 Q.B. 686; [1969] 3 W.L.R. 826.

——————Tenant's reference—Hearing of reference after contract of letting at an end—Whether tribunal has jurisdiction to hear reference—Furnished Houses (Rent Control) Act, 1946, s. 2 (2).
Reg. v. West London Rent Tribunal, *Ex parte* **Napper,**
Divl.Ct. [1967] 1 Q.B. 169; [1966] 2 W.L.R. 76.

Sub-tenant's application

Identity of landlord—Rent reduced by tribunal and registered—Wrong landlord named in application and decision—No contract between real landlord and sub-tenant—Application by real landlord to quash decision—Whether jurisdiction in tribunal—Furnished Houses (Rent Control) Act, 1946, s. 2.
Reg. v. Paddington and St. Marylebone Rent Tribunal, *Ex parte* **Haines,**
Divl.Ct. [1962] 1 Q.B. 388; [1961] 3 W.L.R. 1139.

Repairs

Act of 1938

Leave to proceed for possession—Discretion to grant—Breaches of covenants to repair—Application by lessor for leave to proceed in claims for forfeiture and damages—Matters to be proved to obtain such leave—Time for proof—Law of Property Act, 1925, s. 146 (1)—Leasehold Property (Repairs) Act, 1938, s. 1 (1) (5) (as amended by Landlord and Tenant Act, 1954, s. 51). *In re* **Metropolitan Film Studios Ltd.'s Application,**
Ungoed-Thomas J. [1962] 1 W.L.R. 1315.

——————Interlocutory application for leave to bring proceedings for forfeiture—Breaches of covenants in lease alleged—Act requiring that leave be not given unless lessor "proves" conditions set out in statute—Standard of proof required on application for leave—Prima facie or arguable case that conditions in statute fulfilled—Applicant not required to satisfy court as to breaches of covenant—Leasehold Property (Repairs) Act, 1938, s. 1 (1) (5) (*a*) (*e*) (as amended by Landlord and Tenant Act, 1954, s. 51). **Sidnell v. Wilson,** C.A. [1966] 2 Q.B. 67; [1966] 2 W.L.R. 560.

Notice—Validity—Notice requiring lessee to repair breaches of covenants in lease—No statement in notice informing lessee of entitlement to serve counter-notice—Subsequent letter informing lessee of right to serve counter-notice—Counter-notice served by lessee—Whether valid statutory notice served—Leasehold Property (Repairs) Act, 1938, s. 1 (1) (3) (4). **Sidnell v. Wilson,** C.A. [1966] 2 Q.B. 67; [1966] 2 W.L.R. 560.

Covenant. (*See also* **Sublease.**)

Lease of factory—Express terms requiring tenant to pay for painting carried out by landlord—No express right of entry reserved by landlord—Whether implied obligation by landlord to paint—Whether implied licence to enter premises.
Edmonton Corpn. v. W. M. Knowles & Son Ltd., McNair J. (1962) 60 L.G.R. 124.

Lessee's covenant to repair—Ambit—Serious defects in wall and foundations arising from longstanding defects in drains—No inherent defect—Work of substantial and costly nature requiring to be done when lease entered into—Full repairing covenant taken from tenants—Whether work to be done within repairing covenant—Proper approach—Whether entire work or individual component parts to be considered.
Brew Brothers Ltd. v. Snax (Ross) Ltd., C.A. [1970] 1 Q.B. 612;
[1969] 3 W.L.R. 657.

Lessor's covenant to repair—Lessee's contributions towards expenses of performance of covenant—Contributions towards such expenses reasonably and properly incurred as certified by lessor's surveyor—Certificate "shall be final and not subject to challenge in any manner whatsoever"—Whether certificate challengeable—Whether contrary to public policy—Whether covenant severable.
In re **Davstone Estates Ltd.'s Leases,** Ungoed-Thomas J.
[1969] 2 Ch. 378; [1969] 2 W.L.R. 1287.

LANDLORD AND TENANT—*continued.*

Repairs—*continued.*

Covenant—continued.

Right of assignor of reversion to sue for breach of covenant to keep in repair—Measure of damages—Date upon which damages to be assessed—Compulsory purchase of property during term—Premises demolished—Whether landlord debarred from recovering damages—Landlord and Tenant Act, 1927, s. 18 (1).
In re **King, decd.**, Buckley J. [1962] 1 W.L.R. 632.

Covenant to reinstate

Whether extinguished with obligation to yield up possession.
Byrne v. Herbert, Lawton J. [1966] 2 Q.B. 121; [1966] 2 W.L.R. 19.

Reinstatement

Covenant to reinstate in case of damage by fire—Reasonable time for performance—Factors to be considered. *In re* **King, decd.**, Buckley J. [1962] 1 W.L.R. 632.

Restrictive covenant. (*See also* RESTRICTIVE COVENANT.)

Enforceability

Lessor's covenant not to build on adjacent land—Burdened land sold to third party with notice of covenants—Merger of leases in freeholds by conveyance to lessees—Whether benefit of covenants extinguished.
Golden Lion Hotel (Hunstanton) Ltd. v. Carter, Cross J. [1965] 1 W.L.R. 1189.

Shop

Lessors' covenant "not to let" another shop for purpose of general hardware merchant—Lease of another shop to co-operative society for purpose of food hall—Covenant by society not to sell items causing landlords to be in breach of covenant—Sale in food hall of items alleged to be hardware—Whether letting for purpose of general hardware merchant. **Rother v. Colchester Corpn.**, Megarry J. [1969] 1 W.L.R. 720.

Reversionary tenancy

Agreement for future tenancy

Distinction—Landlord and Tenant Act, 1954, ss. 28, 65 (3).
Green v. Bowes-Lyon, C.A. [1961] 1 W.L.R. 503.
H.L.(E.) [1963] A.C. 420; [1961] 3 W.L.R. 1044.

Service tenancy

Agricultural employee

Employee's employment and licence to occupy rent free cottage terminated—No request for rent or mesne profits for four months thereafter—Action for possession—Whether "special reasons" for making order for costs—"Conduct" of owner or occupier—Rent Act, 1965, s. 33 (6). **Wilson v. Croft,** C.A. [1970] 3 W.L.R. 1.

Sub-lease

Repairs, covenant for

Covenant to observe covenants in head lease—Repairing covenant in head lease—Whether covenant merely of indemnity—Whether covenant imposes duty to repair—"Observe"—"Window"—Meaning.
Ayling v. Wade, C.A. [1961] 2 Q.B. 228; [1961] 2 W.L.R. 873.

Sub-lease and head lease terminating at same time—Allegations of breaches of both—Settlement between head-lessor and sub-lessor—Fees incurred in connection with settlement and claim—Sub-lessor's claims against sub-lessee for (i) breach of which head-lessor responsible, and (ii) for damage from woodworm infestation—Allegation that sub-lessor's reversionary interest without value—Sub-lessee unaware of head lease—Assessment of damages. **Lloyds Bank Ltd. v. Lake,** Sir Brett Cloutman V.-C., Q.C. [1961] 1 W.L.R. 884.

Surrender of lease

Effect

Whether lease determined or assigned—Effect of surrender on squatter's title against lessee. **St. Marylebone Property Co. Ltd. v. Fairweather,** H.L.(E.) [1963] A.C. 510; [1962] 2 W.L.R. 1020.

New tenancy

Lease of business premises—Agreement to give possession by earlier date—Whether agreement "purports to preclude" application by tenant—Whether agreement void—Landlord and Tenant Act, 1954, s. 38 (1).
Joseph v. Joseph, C.A. [1967] Ch. 78; [1966] 3 W.L.R. 631.

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Entry for repairs

Landlord's implied right—Whether including entry for demolition—Unsafe premises.
Mauritzen v. Gordon Grant & Co. Ltd., P.C. [1964] A.C. 1429; [1964] 3 W.L.R. 217.

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Yearly tenancy

Implied

Whether tenancy created by acceptance of rent—Demise of term of years—Death of lessee unknown to lessor—Rent paid by lessee's reputed widow, being a squatter—Whether yearly tenancy created—Rent in arrears—Whether "widow's" personal representative entitled to relief against forfeiture of that tenancy.
Tickner v. Buzzacott, Plowman J. [1965] Ch. 426; [1965] 2 W.L.R. 154.

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Effect—Whether let for interest less than tenancy from year to year.
Bernays v. Prosser, C.A. [1963] 2 Q.B. 592; [1963] 2 W.L.R. 1255.

Unenforceable agreement

Lessees in possession of part of premises prior to agreement—Rent an annual sum—Lessees in possession of whole of premises after agreement at higher rent—Whether yearly tenancy. **Sweet & Maxwell Ltd. v. Universal News Services Ltd.,** C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

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Application by transcript of evidence of witness—Undesirability.
East Yorkshire Motor Services Ltd. v. Clayton, C.A. [1961] 1 W.L.R. 1454.

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Decision as to rateability of cattle market tolls subject to agreement on value—Whether a final decision—Notice of appeal to Lands Tribunal—Validity of—Local Government Act, 1948, ss. 48 (4), 49 (as amended by Lands Tribunal Act, 1949, s. 1 (3) (*e*)).
Oswestry Corpn. v. Hudd, C.A. [1966] 1 W.L.R. 363.

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Jurisdiction to modify or discharge covenants—Questions determinable by tribunal—Fact or law—Decision not in rem—Law of Property Act, 1925, s. 84 (1) (2).
In re **Purkiss' Application,** C.A. [1962] 1 W.L.R. 902.

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Practice of following own decisions

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West Midland Baptist (Trust) Association (Inc.) v. Birmingham Corpn., C.A. [1968] 2 Q.B. 188; [1968] 2 W.L.R. 535.

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LAW REFORM

Restrictive practices

Agreement unregistered for 10 years

Agreement terminated—No penalty attaching—Restrictive Trade Practices Act, 1956.
In re **Aluminium Manufacturers' Agreement,** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 510.

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Ostensible authority to enter into contracts on behalf of corporations—Judgments of Court of Appeal "confusing and, it may be, conflicting"—*Per* Diplock L.J.
Freeman & Lockyer v. Buckhurst Park Properties (Mangal) Ltd., C.A. [1964] 2 Q.B. 480; [1964] 2 W.L.R. 618, 635.

Bankruptcy law

Bankruptcy Act, 1914, s. 51 (2)—"Compensation"—Right of teacher to return of pension contributions—Not available for creditors—"Anomalous"—"Curious"—"Casus omissus." *In re* **Duckett,** C.A. [1964] Ch. 398; [1964] 2 W.L.R. 106.

Building regulations

Inconsistent use of words—Improvement of clarity and precision if thorough revision undertaken—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 31 (1).
Donaghey v. P. O'Brien & Co., C.A. [1966] 1 W.L.R. 1170.

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In re **W. (Infants)**, Cross J. [1965] 1 W.L.R. 1259.

No statutory provision for illegitimate children of an intestate.
In re **T. B.**, Ungoed-Thomas J. [1967] Ch. 247; [1967] 2 W.L.R. 15.

Commonwealth immigrant

Failure of courts to protect his purported children
In re **Mohamed Arif (An Infant)**, Cross J. and C.A. [1968] Ch. 643; [1968] 2 W.L.R. 1290.

Company law

Companies under receivers—Danger of inundation of Board of Trade by resolutions requiring it to investigate companies' affairs—Companies Act, 1948, s. 165 (*a*) (i).
Reg. v. Board of Trade, *Ex parte* **St. Martins Preserving Co. Ltd.,** Divl.Ct. [1965] 1 Q.B. 603; [1964] 3 W.L.R. 262.

Companies (Winding-up) Rules, 1949, r. 30—Principal officer of company to verify petition—Whether limitation convenient.
In re **Vic Groves & Co. Ltd.,** Pennycuick J. [1964] 1 W.L.R. 956.

Compulsory purchase

" Mass of obscurity " in statute. **Davy v. Leeds Corpn.,** C.A. [1964] 1 W.L.R. 1218.

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Jurisdiction of English courts over contracts subject to foreign jurisdiction by agreement.
Mackender v. Feldia A.G., C.A. [1967] 2 Q.B. 590; [1967] 2 W.L.R. 119.

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McCutcheon v. David Macbrayne Ltd., H.L.(E.) [1964] 1 W.L.R. 125.

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Bourne v. Stanbridge, C.A. [1965] 1 W.L.R. 189.

Costs in criminal cases

Prosecutor allowed to withdraw case—Defendant not entitled to costs—" Lacuna " in Act.
Reg. v. Phipps, *Ex parte* **Alton,** Divl.Ct. [1964] 2 Q.B. 420; [1964] 2 W.L.R. 802.

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Crime

Compensation order—Indictable offence—No jurisdiction in justices to make order except on application by person aggrieved—Unfortunate omission—Forfeiture Act, 1870, s. 4 (as amended)—Magistrates' Courts Act, 1952, s. 34 (as amended).
Reg. v. Taylor, C.A. [1969] 1 W.L.R. 919.

Crime, rule against profit from

Mercy murder of husband and suicide by wife—Rule against her taking his estate " clumsy, crude and uncivilised."
In re **Dellow's Will Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 451.

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Allocutus—Whether in public interest to abolish it—Whether prisoner should have right to speak on own behalf.
Reg. v. Rear, C.C.A. [1965] 2 Q.B. 290; [1965] 2 W.L.R. 943.

Larceny. **Reg. v. O'Driscoll,** C.A. [1968] 1 Q.B. 839; [1967] 3 W.L.R. 1143.

Larceny by bailee.
Thompson v. Nixon, Divl.Ct. [1966] 1 Q.B. 103; [1965] 3 W.L.R. 501.

Right of appeal—No right of appeal from verdict of " Guilty but insane "—" Serious defect which I hope will be put right at the earliest possible opportunity by legislation."
Reg. v. Russell, Marshall J. [1964] 2 Q.B. 596; [1964] 2 W.L.R. 551.

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Lord Simon's class of documents secret " for the proper functioning of the public service " —" Court forever blindfold "—" Deplorable "—" Shibboleth "—" Obiter "—Reconsideration " highly desirable."
Merricks v. Nott-Bower, C.A. [1965] 1 Q.B. 57; [1964] 2 W.L.R. 702.

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Rookes v. Barnard, H.L.(E.) [1964] A.C. 1129; [1964] 2 W.L.R. 269, 324.

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Naylor v. Yorkshire Electricity Board, C.A. [1967] 1 Q.B. 244; [1966] 3 W.L.R. 654.
H.L.(E.) [1968] A.C. 529; [1967] 2 W.L.R. 656.

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Hewer v. Bryant, Paull J. [1969] 1 Q.B. 415; [1968] 3 W.L.R. 910.

Disqualification from driving

Imposition by different courts—Lack of machinery for one court to review all disqualifications—Road Traffic Act, 1960, s. 106. **Reg. v. Shirley,** C.A. [1969] 1 W.L.R. 1357.

Divorce

Application for decree absolute after resumption of cohabitation—"Procedural desert"—Matrimonial Causes Rules, 1957.
Chard v. Chard (Practice Note), Scarman J. [1964] 1 W.L.R. 1149.

Appointment of guardian ad litem—Preferable if change introduced by new rule announced in more precise and lucid terms—Matrimonial Causes Rules, 1957, r. 66 (6).
Morrissey v. Morrissey, Payne J. [1965] 1 W.L.R. 1330.

Discretion—Breakdown of marriage—Necessity for further consideration of question of exercise of discretion in light of views of legislature.
Masarati v. Masarati, C.A. [1969] 1 W.L.R. 393.

Reconciliation—Petition within three years—Establishment of Domestic Division of High Court with welfare and judicial departments—Possible future development—Matrimonial Causes Act, 1965, s. 2 (2).
S. v. S. (1967), Sir Jocelyn Simon P. [1968] P. 185; [1967] 3 W.L.R. 1595.

Domicile

Outmoded rule that wife's domicile depends on that of husband.
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Ecclesiastical law

Sale by Anglican church of her treasures.
In re **St. Mary's, Westwell,** Lord Dunboyne Com.Gen. [1968] 1 W.L.R. 513.

Evidence

Expert—Need for parties to agree on pain of paying costs.
Practice Direction (Divorce: Expert Evidence), P.D.A. [1967] 1 W.L.R. 1240.

Evidence, rules of

Conviction not evidence of guilt—Need for reconsideration.
Goody v. Odhams Press Ltd., C.A. [1967] 1 Q.B. 333; [1966] 3 W.L.R. 460.
Barclays Bank Ltd. v. Cole, C.A. [1967] 2 Q.B. 738; [1967] 2 W.L.R. 166.

"No part of the rules of natural justice"—Rules of evidence "artificial and unsatisfactory"—Might require exclusion "of evidence which is highly reliable and credible."
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Moore,** C.A. [1965] 1 Q.B. 491; [1965] 2 W.L.R. 89.

Rules against hearsay—Exceptions—Need for "legislation following on a wide survey."
Myers v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1965] A.C. 1001; [1964] 3 W.L.R. 145.

Execution

Appointment of receiver—Need for amendment—Form of rule—R.S.C. (Rev. 1965), Ord. 50, r. 1 (4). **Barclays Bank Ltd. v. Moore,** C.A. [1967] 1 W.L.R. 1201.

Family provision

Limitation—Widow's claim for provision out of deceased husband's estate—Differing standard for extension of time in Chancery and matrimonial proceedings undesirable—Inheritance (Family Provision) Act, 1938, s. 2 (1A) (*c*).
In re **Kay, decd.,** Russell L.J. [1965] 1 W.L.R. 1463.

LAW REFORM—*continued.*

Whether necessary—*continued.*

Family provision—continued.

Small estate—Necessity for application to be made to High Court—Inheritance (Family Provision) Act, 1938, s. 1 (as amended).
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Food and drugs

Section 8 (1) (*b*) " stands a little awkwardly side by side with section 8 (2) "—Food and Drugs Act, 1955.
John Wilson & Co. (Foods) of York v. Thomas, Divl.Ct. (1961) 59 L.G.R. 264.

Fugitive offender

Ireland, from Republic of—Need " to give urgent consideration to whole matter of sending accused persons from this country to Republic of Ireland "—Need for legislation.
Reg. v. Metropolitan Police Comr., *Ex parte* **Hammond,** H.L.(E.) [1965] A.C. 810; [1964] 3 W.L.R. 1.

Gaming

Club entitled to hold bank—" Very thing which Act aimed against "—*Per* Paull J.
Kelland v. Raymond, Divl.Ct. [1964] 2 Q.B. 108; [1964] 2 W.L.R. 662, 671.

High Court practice

Landlord and tenant—Applications for writs of possession.
Peachey Property Corpn. Ltd. v. Corne, C.A. [1967] 2 Q.B. 543; [1966] 2 W.L.R. 1386.

Hire-purchase

Contracts for simple hire used by finance companies in order to deprive hirer of protection of Hire Purchase Acts.
Galbraith v. Mitchenall Estates Ltd., Sachs J. [1965] 2 Q.B. 473; [1964] 3 W.L.R. 454

Husband and wife

Matrimonial home—Deserted wife's limited rights.
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Which court? **Practice Direction (Married Women's Property Act, 1882: Originating Summons)**, P.D.A. [1968] 1 W.L.R. 772.

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Maritime lien—Need for international agreement.
The Acrux, Hewson J. [1965] P. 391; [1965] 3 W.L.R. 80.

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Interest — Provision of incentive to prompt payment — Judgments Act, 1838, s. 17 — Arbitration Act, 1950, s. 20.
The Myron, Donaldson J. [1970] 1 Q.B. 527; [1969] 3 W.L.R. 292.

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Inability to substitute lesser sentence on appeal.
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Land registration

Entry of cautions—" Perplexing " provisions. *In re* **White Rose Cottage,** Wilberforce J. [1964] Ch. 483; [1964] 2 W.L.R. 396.

Landlord and tenant

Rent Acts—Death of tenant—Protection for member of " family "—Narrowly construed —" Feeling of sorrow "—Appeal " unfortunately " fails.
Ross v. Collins, C.A. [1964] 1 W.L.R. 425.

Libel

" Artificial and archaic character of the tort."
Slim v. Daily Telegraph Ltd., C.A. [1968] 2 Q.B. 157; [1968] 2 W.L.R. 599.

" Lawyers should be ashamed ": *per* Diplock L.J.
Boston v. W. S. Bagshaw & Sons, C.A. [1966] 1 W.L.R. 1126.

Lien

Possessory lien — Pigs — Natural increase — Lien for improvement but not for care — " Illogical " distinction.
In re **Southern Livestock Producers Ltd.**, Pennycuick J. [1964] 1 W.L.R. 24.

Limitation

Exclusion from extension for disability—" In the custody of a parent "—Clarification desirable—Possibility of change of circumstances after accrual of right of action—Appropriate provision that time should not run so long as specified circumstances exist—Limitation Act, 1939, s. 22 (as amended). **Duncan v. Lambeth London Borough Council,** Donaldson J. [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88.

Widows in worse position than living claimants—Limitation Act, 1963, s. 3 (4).
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LAW REFORM—*continued.*

Whether necessary—*continued.*

Limitation of action

"Adverse possession"—Lord Denning's views.
Hayward v. Chaloner, C.A. [1968] 1 Q.B. 107; [1967] 3 W.L.R. 1068.

Maintenance (High Court)

Present procedure denying possibility of "no case."
Lindwall v. Lindwall, C.A. [1967] 1 W.L.R. 143.

Metropolis

Liabilities of London County Council—Infant's claim for damages for personal injuries—Lacuna—London Government Act, 1963, s. 84.
Duncan v. Lambeth London Borough Council, Donaldson J. [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88.

Music

Right to stop it being heard? **Reg. v. East Riding of Yorkshire Quarter Sessions,** *Ex parte* **Newton,** Divl.Ct. and C.A. [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098.

National insurance

National Insurance (Industrial Injuries) Act, 1965, and Benefit Regulations thereunder.
Reg. v. Industrial Injuries Comr., *Ex parte* **Cable,** C.A. [1968] 1 Q.B. 729; [1968] 2 W.L.R. 1.

National insurance benefits

Casual employment—Inland Revenue Commissioners' decision that impracticable to deduct tax—Legislation involving by reference regulations made for different purposes—Effect to exclude employee from sickness benefits—Resulting injustice—National Insurance Act, 1965, s. 4 (2)—National Insurance Act, 1966, s. 2 (1) (5) (*b*)—Income Tax (Employments) Regulations, 1965, reg. 51 (1).
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Power to exclude witness who has given evidence.
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Sales by wholesalers to unauthorised sellers—Need for further control?
Oxford v. Sangers Ltd., Divl.Ct. [1965] 1 Q.B. 491; [1965] 2 W.L.R. 145.

Rating

School sport changing rooms—No rating advantage because not assessable with school—"Remedy would seem to lie with Parliament"—A "misfortune."
Parkin v. London County Council, C.A. (1961) 59 L.G.R. 380.

Revenue law

Double taxation relief—Bound to produce anomalies and hardships.
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Estate duty—On hypothetical or real values?—Land.
Buccleuch (Duke) v. Inland Revenue Comrs., C.A. [1966] 1 Q.B. 851; [1965] 3 W.L.R. 977.

————Property passing on death *In re* **Kilpatrick's Policies Trusts,** Cross J. and C.A. [1966] Ch. 730; [1966] 2 W.L.R. 1346.

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Danger of death on roads—No offence with articulated vehicle.
Hollis Brothers Ltd. v. Bailey, Divl.Ct. [1968] 1 W.L.R. 663.

Third party insurance—Passenger—Need for compulsory insurance.
Connell v. Motor Insurers' Bureau, C.A. [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231.

Road traffic: report of accident

Whether duty should be extended to witnesses—"Humanity and civic duty" to give names and addresses to police. **Adams v. Andrews,** Sachs J., The Times, July 28, 1964.

Road traffic: speed limit regulations

London—40 m.p.h. **Cross v. Oliver,** Divl.Ct. (1964) 62 L.G.R. 501.

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Drafting—Legislation by reference—Whether pernicious fetish.
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Whether it should say what it means—Power of arrest of person "committing an offence"—Person apparently committing offence—Power of arrest.
Wiltshire v. Barrett, C.A. [1966] 1 Q.B. 312; [1965] 2 W.L.R. 1195.

LAW REFORM—*continued.*

Whether necessary—*continued.*

Third party insurance

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Motor Insurers' Bureau—Whether bureau should be made legally liable—" Hit and run " cases—Passengers. **Adams v. Andrews,** Sachs J., The Times, July 28, 1964.

Town planning

Enforcement procedure—Weakness in—Husband controlling business on wife's land—Husband's applications for planning permission certifying that owner of land—Enforcement notice served on husband—" Owner "—Town and Country Planning Act, 1962, ss. 45 (3), 221 (1). **Courtney-Southan v. Crawley Urban District Council,** Divl.Ct. [1967] 2 Q.B. 930; [1967] 3 W.L.R. 57.

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Union officials liable for tort of intimidation—Whether something wrong with conclusion that treats strike weapon as unlawful—*Per* Lord Devlin.
Rookes v. Barnard, H.L.(E.) [1964] A.C. 1129; [1964] 2 W.L.R. 269, 322.

Trusts

Trust void for uncertainty—Court no power to " blue pencil " offending words—Desirability of legislation. *In re* **Leek, decd.,** C.A. [1969] 1 Ch. 563; [1968] 2 W.L.R. 1385.

Widow's dependency

Possibility of remarrying—Judge should not be called upon to assess—Fatal Accidents Acts, 1846–1908. **Buckley v. John Allen & Ford (Oxford) Ltd.,** Phillimore J. [1967] 2 Q.B. 637; [1967] 2 W.L.R. 759.

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Attestation—Two independent credible witnesses—Mere attestation by beneficiary as additional witness—Unnecessary and unfair that beneficiary's signature should defeat testator's intentions—Wills Act, 1837, s. 15.
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LEASE. *See* LANDLORD AND TENANT.

LEGACY. *See* ADMINISTRATION OF ESTATES; WILL.

LEGACY DUTY. *See* REVENUE.

LEGAL AID

Certificate

Ambit

Action by assisted person against company—Certificate to include enforcement proceedings in the High Court in respect of any order or judgment obtained in action—Damages obtained against company—Petition to wind up company founded on judgment debt—Whether covered by certificate—"Proceedings . . . to enforce . . . order . . . in proceedings to which the certificate relates"—Legal Aid (General) Regulations, 1962, reg. 6 (2). *In re* **Peretz Co. Ltd.**, Buckley J. [1965] Ch. 200; [1964] 3 W.L.R. 1159.

Discharge. (*See also* PRACTICE (**Chancery Division:** *Costs*).)

Applicant requiring "proceedings to be conducted unreasonably so as to incur an unjustifiable expense"—Whether discharge valid—Whether regulations mutually exclusive—Legal Aid (General) Regulations, 1962, reg. 12 (2) (*d*) (3) (*b*).

Reg. v. Legal Aid Committee No. 14 (London West) Legal Aid Area, *Ex parte* **Dhargalkar,** C.A. [1968] 1 W.L.R. 97.

Application for revocation and costs—Plaintiff submitting to judgment when case called on—Report showing accident could not have occurred as alleged—Whether application made during hearing of "proceedings"—Whether necessary information may be disclosed to court—Whether judge "any person" performing "functions" under Act—Powers of court—Circumstances in which powers should be exercised—Legal Aid and Advice Act, 1949, s. 14 (1) (*a*)—Legal Aid (General) Regulations, 1962, reg. 12 (6).

Neill v. Glacier Metal Co. Ltd., Sachs J. [1965] 1 Q.B. 16; [1964] 2 W.L.R. 55.

Disclosure

Application to court to revoke certificate—Whether Law Society may disclose information—Whether judge "any person" performing "functions" under Act—Legal Aid and Advice Act, 1949, s. 14 (1) (*a*).

Neill v. Glacier Metal Co. Ltd., Sachs J. [1965] 1 Q.B. 16; [1964] 2 W.L.R. 55.

Divorce

Damages claim—Specific authority in legal aid certificate necessary.

Practice Direction (Divorce Damages: Legal Aid), P.D.A. [1967] 1 W.L.R. 1227.

Eligibility

Executors substituted as defendants in action against deceased—Application by executors for legal aid—Means of executors exceeding legal aid limit—Whether legal aid committee to consider means of deceased's widow only—Legal Aid and Advice Act, 1949, s. 12—Legal Aid (General) Regulations, 1962, reg. 5 (5) (11).

Reg. v. Legal Aid Committee No. 9 (North Eastern) Legal Aid Area, *Ex parte* **Foxhill Flats (Leeds) Ltd.,** D.C. [1970] 2 Q.B. 152; [1970] 2 W.L.R. 923.

Limited certificate

Limitation to issue of writ and counsel's opinion—Exclusion of service—Failure to serve within 12 months—Effect of delay—Whether court should renew writ—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*)—R.S.C., Ord. 6, r. 8 (2).

Baker v. Bowketts Cakes Ltd., C.A. [1966] 1 W.L.R. 861.

Responsibility of counsel and committee.

Hanning v. Maitland (No. 2), C.A. [1970] 1 Q.B. 580; [1970] 2 W.L.R. 151.

Refusal of

Application for legal aid in action generally—Applicant not showing "reasonable grounds" for legal aid—Appeal Committee of House of Lords granting leave to appeal—Application for legal aid to pursue appeal—"Unreasonable . . . in the particular circumstances of the case"—"Proceedings"—Whether consideration limited to reasonableness of grant of legal aid in particular circumstances of the case in relation to the proceeding—Whether consideration of merits of action relevant—Legal Aid and Advice Act, 1949, s. 1 (6)—Legal Aid (General Regulations, 1962, reg. 7 (e) (f).

Reg. v. Legal Aid Committee No. 1 (London) Legal Aid Area, *Ex parte* **Rondel,** Divl.Ct. [1967] 2 Q.B. 482; [1967] 2 W.L.R. 1358.

Costs

Act of 1964

Divorce—Legally aided wife's petition—Nil contribution—Respondent husband not legally aided—Respondent husband successful—Application for costs against wife made after dismissal of suit—No order against wife—Application by husband for costs out of legal aid fund—Whether statutory conditions complied with—Whether "severe financial hardship"—Whether "just and equitable" to make order—Considerations for court to bear in mind when making order—Legal Aid Act, 1964, s. 1.

Nowotnik v. Nowotnik (Hyatt Intervening), Faulks J. and C.A. [1967] P. 83; [1965] 3 W.L.R. 920.

LEGAL AID—*continued.*

Costs—*continued.*

Act of 1964—continued.

Justice to defendant—Successful opponent of legally aided litigants—Application for costs to be paid out of public funds—Costs at first instance—Test—Court not satisfied that "unassisted person will suffer severe financial hardship" unless order made—Costs of appeal—Test—Court to be "satisfied that it is just and equitable in all the circumstances that provision for those costs should be made out of public funds"—Legal Aid Act, 1964, s. 1 (1) (2) (3) (*a*) (*b*)—Legal Aid (Costs of Successful Unassisted Parties) Regulations, 1964, reg. 15.
Parker (Infants) v. Thompson, C.A. [1967] 1 W.L.R. 28.

Unassisted party successful—Hypothetical contribution of unassisted party exceeding costs—Custody of infants—Dismissal of mother's appeal from magistrates' order—Mother in receipt of legal aid—Father unassisted—Whether entitled to costs against legal aid fund—Whether "just and equitable"—Whether nature of case or prospect of success special circumstances—Legal Aid Act, 1964, s. 1.
In re **Sl. (Infants),** Pennycuick J. [1967] 1 W.L.R. 1379.

————————Master's and judge's refusal to order payment of costs out of fund—Appeal—Whether final or interlocutory order—Whether leave to appeal needed—Legal Aid Act, 1964, s. 1—Legal Aid (Costs of Successful Unassisted Parties) Regulations, 1964, reg. 11 (2) (*a*). **Hanning v. Maitland,** C.A. [1969] 1 W.L.R. 1885.

————————Personal injuries action—Action which ought never to have been brought—Application for costs out of legal aid fund—Whether statutory conditions complied with—Whether "severe financial hardship"—Whether "just and equitable" to make order—Considerations in making order—Legal Aid Act, 1964, s. 1.
Hanning v. Maitland (No. 2), C.A. [1970] 1 Q.B. 580; [1970] 2 W.L.R. 151.

Appeal

Security for costs—Aided appellant—Special circumstances—Reasonable sum—Legal Aid and Advice Act, 1949, s. 12 (2) (*b*) (ii). **Wyld v. Silver,** C.A. [1962] 1 W.L.R. 863.

——————Husband and wife—Husband's appeal against maintenance order—Wife legally aided on appeal—Husband having ample means—Whether order for security for wife's costs necessary. **Norris v. Norris,** C.A. [1969] 1 W.L.R. 1264.

——————Sum paid into court by solicitor of legally aided appellant—Appeal dismissed—Payment out to successful respondent—Principle applicable.
In re **Cohen, A Bankrupt,** C.A. [1961] Ch. 246; [1961] 2 W.L.R. 237.

Bill of costs

New regulations—Work done partly before and partly after new regulations—Legal Aid (General) (Amendment No. 4) Regulations, 1960.
Practice Direction (Legal Aid: Costs), Q.B.D. [1961] 1 W.L.R. 135.

Divorce

Duty of area committees and advisers of assisted persons—Legal Aid and Advice Act, 1949, s. 1—Legal Aid (General Regulations), 1962, reg. 12 (3).
Iverson v. Iverson, Latey J. [1967] P. 134; [1966] 2 W.L.R. 1168.

Infant—Case in which no order would be made if parties not legally aided—Whether fact that parties legally aided makes any difference.
B. (M.) v. B. (R.) (Note), C.A. [1968] 1 W.L.R. 1182.

Legally aided wife's petition—Right of wife's solictor to apply for costs—Reconciliation—No application by wife for costs—Whether wife's solicitor a right to apply—Right of Law Society—Sum paid in by husband as security for costs—Whether order limited to amount of security—Legal Aid and Advice Act, 1949.
Carter v. Carter, Scarman J. [1966] P. 1; [1964] 3 W.L.R. 311.

Legally aided wife's petition unsuccessful—Husband's application for costs—Court's jurisdiction to award costs against impecunious wife—Whether sum awarded "reasonable . . . having regard to all the circumstances"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 50 (1)—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*)—Legal Aid (General) Regulations, 1962, reg. 18.
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Order against assisted person

Certificate to continue appeal limited to obtaining counsel's opinion—Certificate subsequently discharged—Appeal continued on appellant's own resources—Appeal dismissed—Validity of certificate—Whether appellant "an assisted person" during currency of certificate—Whether liable to pay respondent's costs incurred between grant and discharge of certificate—Legal Aid and Advice Act, 1949, ss. 1 (6), 2 (2) (*e*)—Legal Aid (General) Regulations, 1962, reg. 13 (6) (*b*).
Dugon v. Williamson, C.A. [1964] Ch. 59; [1963] 3 W.L.R. 477.

LEGAL AID—*continued.*

Costs—*continued.*

Order against assisted person—continued.

County court action—Legally aided plaintiff—Certificate discharged before action—Successful plaintiff—Costs paid into court—Unsuccessful appeals by plaintiff against sum awarded in county court—Order for costs of greater amount awarded against plaintiff—Whether set-off permissible—Whether judge entitled to order payment out of plaintiff's costs to defendants in part satisfaction of costs of appeals—Legal Aid and Advice Act, 1949, s. 2 (2)—Legal Aid (General) Regulations, 1962, reg. 17 (1) (11)—County Court Rules, Ord. 11, r. 10 (2).
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Defendant legally aided—Nil contribution—Ordered to pay successful plaintiffs' whole costs—Improper exercise of discretion—Legal Aid and Advice Act, 1949, s. 2 (2)—Legal Aid (General) Regulations, 1962, reg. 18 (as amended).
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Determination of liability—Legal aid certificate discharged after issue of writ—Action dismissed for want of prosecution by assisted person—Order that action be dismissed "with costs"—Defendants' costs to be taxed and paid by plaintiff—Items incurred during currency of legal aid certificate—Whether amount to be paid determined—Whether determined "at the trial or hearing"—Legal Aid and Advice Act, 1949, s. 2 (2) (*a*)—Legal Aid (General) Regulations, 1962, regs. 13 (1) (6) (*b*), 18 (1).
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Limited aid—Divorce—Certificate limited to maintenance and alimony—Assisted person ordered to pay full costs of undefended petition—Whether jurisdiction to make order —"Proceedings"—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
Mills v. Mills, C.A. [1963] P. 329; [1963] 2 W.L.R. 831.

——————Nullity—Certificate limited to maintenance, alimony, secured provision and costs—Whether protection against full order for costs—"Proceedings"—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
Herbert (orse. Bridgeman) v. Herbert, Cairns J. [1964] 1 W.L.R. 471.

More than one successful opposing party—Whether liability of assisted person to be determined by reference to each successful opposing party—Successful unassisted party —Whether payment to be made out of legal aid fund—Circumstances to be taken into account—Whether "severe financial hardship"—Test of amount reasonable for assisted person to pay—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*)—Legal Aid Act, 1964, s. 1 (1) (3). *In re* **Spurling's Will Trusts,** Ungoed-Thomas J. [1966] 1 W.L.R. 920.

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W. v. W. (No. 4), Scarman J. [1962] P. 131; [1962] 2 W.L.R. 706.

Relevant circumstances — Means of party — Whether order reasonable — Legal Aid and Advice Act, 1949, s. 2 (2) (*e*). **Crystall v. Crystall,** C.A. [1963] 1 W.L.R. 574.

Unsuccessful wife petitioner with £7 contribution—Order to pay £200 towards husband's costs—Whether "reasonable"—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
Gooday v. Gooday, C.A. [1969] P. 1; [1968] 3 W.L.R. 750.

Security for costs

Husband and wife—Nullity—Husband ordered to give security for costs—Wife legally aided—Husband having ample means—Discretion to order security for wife's costs—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*).
Corbett v. Corbett (orse. Ashley) (No. 2), Ormrod J. [1970] 3 W.L.R. 195.

Solicitor

Country solicitor—Attendance—Solicitor entitled to reasonable remuneration.
Raybould v. Raybould, Baker J. [1968] 1 W.L.R. 366.

Taxation

Barrister—Brief fee—Case heard out of London—Appropriate fee—Undefended divorce—Assize town—Whether total brief fee should be charged to party and party column of bill of costs—R.S.C., Ord. 62, r. 28 (2).
Raybould v. Raybould, Baker J. [1968] 1 W.L.R. 366.

Criminal proceedings—Review of taxation—Appeal from decision of taxing master—Procedure—Form of summons—Legal Aid in Criminal Proceedings (Fees and Expenses) Regulations, 1968, regs. 9, 10.
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McCullie v. Butler, Diplock J. [1962] 2 Q.B. 309; [1961] 2 W.L.R. 1011.

LEGAL AID—*continued.*

Costs—*continued.*

Taxation—continued.

Scottish solicitors—Instructions taken from legally aided plaintiff in Scotland—Whether "solicitor" acting as "agent"—Whether charges paid to Scottish solicitors taxable as disbursements—Legal Aid and Advice Act, 1949, Sch. 3, para. 2 (3).
McCullie v. Butler, Diplock J. [1962] 2 Q.B. 309; [1961] 2 W.L.R. 1011.

Trustee

Order that costs be paid out of trust fund—Whether "order for costs made against" legally aided beneficiary—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
In re **Spurling's Will Trusts**, Ungoed-Thomas J. [1966] 1 W.L.R. 920.

Crime. *See* CRIME (**Practice**).

Discretion of court

Relevance to exercise

Order for production of documents for test of signature by plaintiffs' expert—Order that report based on result of tests be disclosed to defendants—Plaintiffs legally aided—Whether relevant consideration in imposing condition—Legal Aid and Advice Act, 1949.
In re **Saxton, decd.**, C.A. [1962] 1 W.L.R. 968.

Payment into court

Damages awarded less than amount of payment into court

Defendant's right to costs out of damages as against legal aid fund.
Cook v. Swinfen, C.A. [1967] 1 W.L.R. 457.

LEGAL CHARGE. *See* MORTGAGE.

LEGISLATION. *See* COLONY; PARLIAMENT; STATUTE; STATUTORY INSTRUMENT.

LEGITIMACY

Declaration

Jurisdiction

Whether petitioner must be the subject of the declaration—R.S.C. (Rev. 1962), Ord. 15, rr. 16 (1), 17—Matrimonial Causes Act, 1965, s. 39.
Aldrich v. Attorney-General (Rogers Intervening), Ormrod J. [1968] P. 281; [1968] 2 W.L.R. 413.

Evidence

Probate

Right to grant of probate dependent on legitimation—Production of copy of declaration or amended birth certificate—Submission of evidence in other cases to registrar—Form of oath. **Practice Direction (Legitimation: Application for a Grant)**, P.D.A. [1965] 1 W.L.R. 955.

Evidence of paternity

Medical evidence

Divorce case—Blood test—Proving husband not the father—Basis of fact preferable to presumption of law. **Holmes v. Holmes**, Ormrod J. [1966] 1 W.L.R. 187.

Nullity case—Pregnancy at time of marriage by person other than petitioner—Paternity issue—Probative value of serological evidence—Matrimonial Causes Act, 1950, s. 8 (1).
Stocker v. Stocker, Karminski J. [1966] 1 W.L.R. 190.

Paternity issue—Blood test.
In re **L. (An Infant)**, Ormrod J. [1968] P. 119; [1967] 3 W.L.R. 1149.
C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.

————————Unlimited jurisdiction in High Court judges to order blood test of infant. **B. (B. R.) v. B. (J.)**, C.A. [1968] P. 466; [1968] 3 W.L.R. 666.

Paternity

Paternity issue

Costs—Answer by interveners—Cross-prayer for declaration petitioner not legitimate child of first intervener, in—Whether good—Petitioner, if legitimate, entitled to share in trust fund—Petitioner not legitimate—Jurisdiction to order petitioner's costs out of trust fund.
B. v. Attorney-General (N. E. B. and Others Intervening), Ormrod J. [1967] 1 W.L.R. 776.

Estoppel—Legitimacy not contested in divorce proceedings—Custody order treating child as legitimate—Settlement treating child as legitimate—Whether husband in divorce suit entitled in subsequent legitimacy proceedings to deny paternity—Admission by wife—Admission by deceased man—Admissibility.
B. v. Attorney-General, Willmer L.J. [1965] P. 278; [1965] 2 W.L.R. 871.

Jurisdiction—No application for custody—Evidence of paternity—Power of court to order blood test of infant—Paternal jurisdiction of High Court judges—Jurisdiction of county court—Supreme Court of Judicature (Consolidation) Act, 1925, s. 18—Matrimonial Causes Act, 1965, s. 33.
B. (B. R.) v. B. (J.), C.A. [1968] P. 466; [1968] 3 W.L.R. 566.

LEGITIMACY—*continued.*

Paternity—*continued.*

Paternity issue—continued.

Whether court power to order blood test of infant — Custody proceedings — Refusal by guardian ad litem to consent to blood test.
In re **L. (An Infant)**, Ormrod J. [1968] P. 119; [1967] 3 W.L.R. 1149.
C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.

Whether court power to order blood tests—Matrimonial Causes Act, 1950, s. 8 (1) (*d*).
W. v. W. (1963), C.A. [1964] P. 67; [1963] 3 W.L.R. 540.

Presumption

Birth after divorce

Child born to wife over nine months after decree absolute of divorce—Presumption that child conceived before dissolution.
Knowles v. Knowles, Wrangham J. [1962] P. 161; [1962] 2 W.L.R. 742.

Rebuttal

Standard of proof—Whether balance of probabilities.
In re **L. (An Infant)**, C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.

Subsequent marriage

Child legitimated

Gift to child by will—Child predeceased testatrix leaving issue—Whether legitimated child " entitled to take " interest as legitimate child of testatrix—Whether " competent to dispose "—" Interest "—Legitimacy Act, 1926, ss. 1, 3—Legitimacy Act, 1959, s. 1—Wills Act, 1837, s. 33.
In re **Brodie, decd.**, Stamp J. [1967] Ch. 818; [1967] 2 W.L.R. 1379.

Void marriage

Belief in validity

Application by issue to be treated as legitimate—Reasonable belief of one of the parties that marriage was valid—Objective test of reasonableness—Legitimacy Act, 1959, s. 2.
Hawkins v. Attorney-General, Cairns J. [1966] 1 W.L.R. 978.

Declaration of legitimacy

Application by issue to be treated as legitimate—Reasonable belief of one of the parties that marriage was valid—Application for a declaration—Requirements to be satisfied—Matrimonial Causes Act, 1950, s. 17 (1)—Legitimacy Act, 1959, s. 2.
Sheward v. Attorney-General, Ormrod J. [1964] 1 W.L.R. 724.

LESOTHO

Statute

Construction

International convention relating to refugees—Alien political fugitive residing in Lesotho—Whether Lesotho continuing adherence to convention—Whether alien " refugee " within meaning of convention—Whether outside country of his nationality as result of pre-1951 events—Convention Relating to the Status of Refugees, art. 1—Aliens Control Act (Basutoland) (No. 16 of 1966), s. 38.
Molefi v. Principal Legal Adviser, P.C. [1970] 3 W.L.R. 338.

LIBEL AND SLANDER

Compromise

Several defendants

Claims against author, publishers and printers—Settlement of claims against publishers and printers—Release—Covenant not to sue—Written agreements incorporating reference to statements to be made in open court—Intention to proceed against author common knowledge but unexpressed — Agreements signed by plaintiff's counsel — Counsel unauthorised to settle claim against author—Joint tortfeasors—Construction of agreements—Whether term to be implied, or collateral agreement, reserving rights against author—Whether covenants not to sue publishers and printers—Whether author released or discharged. **Gardiner v. Moore**, Thesiger J. [1969] 1 Q.B. 55; [1966] 3 W.L.R. 786.

Consolidation of actions. *See* PRACTICE.

Damages for libel

Assessment by jury

Conduct of defendant. **Theaker v. Richardson**, C.A. [1962] 1 W.L.R. 151.

Libel on limited company and chairman—No plea of special damage—No proof of general loss of business—High award of damages—Considerations justifying interference with award by appellate court—Tax position relevant to question of excessive or inadequate award of damages—Similar libels in two newspapers—Defamation Act, 1952, s. 12.
Lewis v. Daily Telegraph Ltd., C.A. [1963] 1 Q.B. 340; [1962] 3 W.L.R. 50.
H.L.(E.) [1964] A.C. 234; [1963] 2 W.L.R. 1063.

LIBEL AND SLANDER—*continued.*

Damages for libel—*continued.*

Assessment by jury—continued.

Libel on limited company and managing director—No proof of general loss of business—Excessive award of damages—Misdirection—New trial.
Broadway Approvals Ltd. v. Odhams Press Ltd. (No. 2), C.A. [1965] 1 W.L.R. 805.

Whether exemplary damages awardable—No pecuniary loss—No proof of social loss—Jury's award of £9,000—Whether excessive for unjustified slur on honour of professional man—Whether Court of Appeal may interfere.
McCarey v. Associated Newspapers Ltd. (No. 2), C.A. [1965] 2 Q.B. 86; [1965] 2 W.L.R. 45.

Exemplary damages

Newspaper publication of article—No direct evidence of motive in publishing—Whether evidence on which jury entitled to draw inference of profit motive for publication—Whether consideration of exemplary damages admissible—Direction to jury.
Manson v. Associated Newspapers Ltd., Widgery J. [1965] 1 W.L.R. 1038.

Injury to health

Evidence of ill health as caused or aggravated by libel or affecting position in labour market—Whether relevant to claim for damages to reputation.
Wheeler v. Somerfield, C.A. [1966] 2 Q.B. 94; [1966] 2 W.L.R. 1006.

Libel published elsewhere

Irrelevance **Dingle v. Associated Newspapers Ltd.,** C.A. [1961] 2 Q.B. 162; [1961] 2 W.L.R. 523.
H.L.(E.) [1964] A.C. 371; [1962] 3 W.L.R. 229.

Mitigation

Reputation—No settled bad character—Defamatory matter in Select Committee report—Subsequent newspaper article.
Dingle v. Associated Newspapers Ltd., C.A. [1961] 2 Q.B. 162; [1961] 2 W.L.R. 523.
H.L.(E.) [1964] A.C. 371; [1962] 3 W.L.R. 229.

Republication

Letter to editor for republication in periodical—Cause of action for republication extinguished—Whether damages for publication to editor to include damages consequent on republication. **Cutler v. McPhail,** Salmon J. [1962] 2 Q.B. 292; [1962] 2 W.L.R. 1135.

Defamatory meaning

Bank

Dishonoured cheques marked " Refer to Drawer "—Whether effect of words was to lower reputation of drawer—Whether words true.
Jayson v. Midland Bank Ltd., C.A. [1968] 1 Lloyd's Rep. 409.

Business

" Not conversant with normal business ethics "—Whether defamatory.
Angel v. H. H. Bushell & Co. Ltd., Milmo J. [1968] 1 Q.B. 813; [1967] 2 W.L.R. 976.

Professional reputation

Attack on dental technique—Scientific paper in professional journal—Whether capable of defamatory meaning—Whether statement of claim should be summarily struck out.
Drummond-Jackson v. British Medical Association, C.A. [1970] 1 W.L.R. 688.

Spheres of judge and jury

Letter to newspaper—Australia. **Jones v. Skelton,** P.C. [1963] 1 W.L.R. 1362.

Discovery. (*See also* PRACTICE.)

Privilege

Confidential information given to journalist.
Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.

Fair comment

Fact and opinion

Plea of fair comment based on particulars including facts occurring subsequent to date of publication—Facts on which defence of fair comment based required to be existing at date of comment—Future events constituting evidence not to be pleaded—R.S.C. (Rev. 1965), Ord. 18, r. 7. **Cohen v. Daily Telegraph Ltd.,** C.A. [1968] 1 W.L.R. 916.

Whether defence to prove only facts warranting comment—Whether defence limited to comment—Defamation Act, 1952, s. 6.
Broadway Approvals Ltd. v. Odhams Press Ltd., Lawton J. [1964] 2 Q B. 683; [1964] 3 W.L.R. 243.

Justification

Plea of fair comment based on same particulars as plea of justification—Failure of plea of justification — Whether defence of fair comment open to defendants — Form of question to jury on fair comment.
Broadway Approvals Ltd. v. Odhams Press Ltd. (No. 2), C.A. [1965] 1 W.L.R. 805.

LIBEL AND SLANDER—*continued.*

Fair comment—*continued.*

Test of fairness

Question of honesty—Natural and ordinary meaning of words—Letters to newspapers—Need to preserve freedom of speech.
Slim v. Daily Telegraph Ltd., C.A. [1968] 2 Q.B. 157; [1968] 2 W.L.R. 599.

Test of public interest

Simultaneous and sudden notices to play producer by players terminating appearances and coincident desire of management to transfer other play to theatre—Notices private acts—Public not entitled to know about management's desire—Defendant alleging plot by plaintiffs to force end of run of play by arranging for giving of players' notices—Whether matter of public interest—Plea of justification withdrawn—Plaintiffs defamed by words essential to defendant's comment on other persons—Comment on plaintiffs' conduct without basis of supporting fact—Whether plea of fair comment on matter of public interest available to defendant against plaintiffs—Defamation Act, 1952, s. 6.
London Artists Ltd. v. Littler, Cantley J. [1968] 1 W.L.R. 607.
C.A. [1969] 2 Q.B. 375; [1969] 2 W.L.R. 409.

Injurious falsehood

Damages for libel

Damages—Claim by personal plaintiff and limited company for damages for libel and injurious falsehood by publication in theatrical newspaper—Words calculated to cause pecuniary damage to plaintiff—No apology given—No defence delivered—Assessment of damages by master in chambers—No evidence of probable pecuniary loss caused by publication—Large award by master reduced to nominal damages only for injurious falsehood—Personal plaintiff entitled to damages for injury to feelings but not to exemplary or punitive damages—Defamation Act, 1952, s. 3 (1).
Fielding v. Variety Incorporated, C.A. [1967] 2 Q.B. 841; [1967] 3 W.L.R. 415.

Innuendo. *See* **Pleadings.**

Justification. (*See also* **Pleadings.**)

Suspicion of crime

Newspaper report—Statement that Fraud Squad inquiring into affairs of limited company—Ordinary meaning of words admitted to be defamatory, but justified—Proof of police inquiry in progress at date of report—Whether justification—Whether words reasonably capable of meaning plaintiffs guilty of fraud.
Lewis v. Daily Telegraph Ltd., C.A. [1963] 1 Q.B. 340; [1962] 3 W.L.R. 56.
H.L.(E.) [1964] A.C. 234; [1963] 2 W.L.R. 1063.

Malice

Evidence

Newspaper article—Alterations and omissions made during sub-editing—Refusal to publish apology—Particulars of justification—Whether evidence of malice.
Broadway Approvals Ltd. v. Odhams Press Ltd. (No. 2), C.A. [1965] 1 W.L.R. 805.

Summing up—Whether all evidence of malice to be put to jury.
Boston v. W. S. Bagshaw & Sons, C.A. [1966] 1 W.L.R. 1126.

Newspaper

Absolute privilege

Coroner's court—Contemporaneous newspaper report of proceedings at inquest—Whether a public court—Whether report privileged—Law of Libel Amendment Act, 1888, s. 3.
McCarey v. Associated Newspapers Ltd., Thompson J. [1964] 1 W.L.R. 855.

Newspaper article alleging kidnapping of witness

Plaintiff known to have associated with witness—Plaintiff not mentioned or described in article—No pointer to plaintiff in words complained of—Inferences by readers drawn from their own knowledge—Whether article capable of being understood to refer to plaintiff. **Morgan v. Odhams Press Ltd.**, C.A. [1970] 1 W.L.R. 820.

Payment into court

Innuendoes

Separate causes of action—Whether plaintiff entitled to make one payment into court—R.S.C., Ord. 82, r. 4 (1).
Pedley v. Cambridge Newspapers Ltd., C.A. [1964] 1 W.L.R. 988.

Joint defendants

Payment of £500 damages by one of three defendants accepted by plaintiff—Payment into court of £2 by second defendant not accepted by plaintiff—No payment into court by third defendant—Plaintiff awarded ½d. damages by jury—Whether plaintiff entitled to judgment—Costs—R.S.C., Ord. 82, r. 4 (2).
Dering v. Uris, Lawton J. [1964] 2 Q.B. 669; [1964] 2 W.L.R. 1298.

Pleadings

Innuendo

Facts or matters relied on in support—Articles published on other occasions not referring directly to plaintiff—Whether "facts" capable of supporting innuendo.
Wheeler v. Somerfield, C.A. [1966] 2 Q.B. 94; [1966] 2 W.L.R. 1006.

LIBEL AND SLANDER—*continued.*

Pleadings—*continued.*

Innuendo—*continued.*

Facts or matters relied on in support—Statements published by other persons on other occasions—Not expressly adopted or repeated by publishers of alleged defamatory statement—Whether "facts" capable of supporting innuendo—Application to strike out —R.S.C., Ord. 18, r. 19; Ord. 82, r. 3 (1).
Astaire v. Campling, C.A. [1966] 1 W.L.R. 34.

No extrinsic facts relied on—Intrinsic inferences drawn from the libel—Whether true "innuendo"—Whether sufficient pleading—Application to strike out—R.S.C., Ord. 19, r. 6 (2).
Grubb v. Bristol United Press Ltd., C.A. [1963] 1 Q.B. 309; [1962] 3 W.L.R. 25.

No facts or matters other than words of libel relied on—Alleged meaning inference from terms of libel—Whether sufficient pleading—Application to strike out—R.S.C., Ord. 19, r. 6 (2).
Loughans v. Odhams Press Ltd., C.A. [1963] 1 Q.B. 299; [1962] 2 W.L.R. 692.

Not supported by extrinsic facts—Duty to withdraw unproved innuendo from jury—Not applicable if innuendo relying only on words used — Whether implied meaning should be pleaded—R.S.C., Ord. 19, r. 6 (2).
Lewis v. Daily Telegraph Ltd., C.A. [1963] 1 Q.B. 340; [1962] 3 W.L.R. 50.
H.L.(E.) [1964] A.C. 234; [1963] 2 W.L.R. 1063.

Two causes of action based on ordinary meaning and innuendo not pleaded in the alternative—Failure to prove innuendo meaning—Whether plaintiff entitled to impute part of failed innuendo meaning to ordinary meaning.
Lewis v. Daily Telegraph Ltd., C.A. [1963] 1 Q.B. 340; [1962] 3 W.L.R. 50.

Justification

Amendment—Defence denying defamation of plaintiffs—Application to plead justification shortly before trial—Whether permissible—Principles applicable.
Associated Leisure Ltd. (Phonographic Equipment Co. Ltd.) v. Associated Newspapers Ltd., C.A. [1970] 2 Q.B. 450; [1970] 3 W.L.R. 101.

Libel

Fair comment—Need to distinguish fact and comment—The "rolled-up" plea—Defamation Act, 1952, s. 6.
London Artists Ltd. v. Littler, C.A. [1969] 2 Q.B. 375; [1969] 2 W.L.R. 409.

——————Particulars of the basic facts relied on—"Rolled-up" plea—R.S.C., Ord. 82, r. 3 (2). **Lord v. Sunday Telegraph Ltd.,** C.A. [1970] 3 W.L.R. 754.

Natural and ordinary meaning—Whether plaintiff bound by pleaded meaning.
Slim v. Daily Telegraph Ltd., C.A. [1968] 2 Q.B. 157; [1968] 2 W.L.R. 599.

Reputation of plaintiff

Defence—Mitigation of damages—Admissibility of previous convictions—Whether evidence of bad reputation—Plea of full justification—Whether amendment to plead partial justification severable.
Goody v. Odhams Press Ltd., C.A. [1967] 1 Q.B. 333; [1966] 3 W.L.R. 460.

Striking out

Defence—Mitigation of damages—Reputation of plaintiff—Admissibility of specific instances of misconduct—Different kinds of reputation—Necessity of pleading—New issue of fact—R.S.C., Ord. 19, r. 15; Ord. 21, r. 4.
Plato Films Ltd. v. Speidel, H.L.(E.) [1961] A.C. 1090; [1961] 2 W.L.R. 470.

————Pleas of justification, fair comment, fair and accurate report of judicial proceedings and mitigation of damages—Previous judicial proceedings and judicial comments adverse to plaintiff relied on under all four heads of defence—Application to strike out—R.S.C., Ord. 25, r. 4.
Waters v. Sunday Pictorial Newspapers Ltd., C.A. [1961] 1 W.L.R. 967.

Statement of claim complaining of allegations in newspaper article—Conclusive evidence supporting some allegations—Whether whole or part of statement of claim should be struck out—Civil Evidence Act, 1968, s. 13.
Levene v. Roxhan, C.A. [1970] 1 W.L.R. 1322.

Privilege

Absolute privilege

Conspiracy to defame—Action in tort—Whether absolute privilege a defence—Report by police officers to Director of Public Prosecutions—Whether absolutely privileged—Evidence subsequently given before court and to Benchers of Inn of Court in disciplinary inquiry against barrister.
Marrinan v. Vibart, Salmon J. [1963] 1 Q.B. 234; [1962] 2 W.L.R. 1224.
C.A. [1963] 1 Q.B. 528; [1962] 3 W.L.R. 912.

LIBEL AND SLANDER—*continued.*

Privilege—*continued.*

Absolute privilege—continued.

Judicial tribunal—Matters non coram judice—Inn of Court—Whether judicial tribunal—Bar Council—Whether complaints to Council protected by absolute privilige.
Lincoln v. Daniels, C.A. [1962] 1 Q.B. 237; [1961] 3 W.L.R. 866.

Police—Report by one high ranking police officer to another—Whether subject of absolute privilege. **Merricks v. Nott-Bower,** C.A. [1965] 1 Q.B. 57; [1964] 2 W.L.R. 702.

Report to superior officer of friendly foreign power—Plea of absolute privilege—Whether issue triable as preliminary point of law.
Richards v. Naum, C.A. [1967] 1 Q.B. 620; [1966] 3 W.L.R. 1113.

Common interest

Egger v. Chelmsford (Viscount), C.A. [1965] 1 Q.B. 248; [1964] 3 W.L.R. 714.

Letter by ratepayer to borough councillor—Action for libel by another councillor—Letter to editor of residents' association magazine—Letter republished—Magazine on sale to public—Whether publications protected by privilege.
Cutler v. McPhail, Salmon J. [1962] 2 Q.B. 292; [1962] 2 W.L.R. 1135.

Qualified

Communication to person introducing and recommending business man—Notification of termination of business relationship—No common interest or duty—Whether privileged.
Angel v. H. H. Bushell & Co. Ltd., Milmo J. [1968] 1 Q.B. 813; [1967] 2 W.L.R. 976.

Communications on behalf of partnership—Action against individual partners—Malice found against one partner—No malice by partner signing letter—Whether privilege personal—Whether each partner liable—Partnership Act, 1890, s. 10.
Meekins v. Henson, Winn J. [1964] 1 Q.B. 472; [1962] 3 W.L.R. 299.

Duty to communicate information to general public—When duty arises—Whether arising of publication "in the interests of the public"—Whether merely because information appearing to be of legitimate public interest—Information published to public through press—Defendant not under duty to communicate information and general public having no legitimate interest in receiving information—Defendant's own interests not requiring publication to public—Whether publication by defendant to press on occasion of qualified privilege. **London Artists Ltd. v. Littler,** Cantley J. [1968] 1 W.L.R. 607.

Election address—"Defamatory statement published on behalf of a candidate" in local government election—Whether plea of qualified privilege excluded by statute—Defamation Act, 1952, s. 10. **Plummer v. Charman,** Melford Stevenson J. [1962] 1 W.L.R. 1144.
C.A. [1962] 1 W.L.R. 1469.

Joint publication—Defamatory letter published by secretary of unincorporated club on instructions of sub-committee members — Occasion privileged on ground of common interest—Finding by jury of express malice in five committee members but no malice in secretary and three committee members—Judgment entered and order for costs of two trials made against all defendants—Whether defence of qualified privilege attaching to individual defendant or to publication—Whether innocent publisher of joint libel on privileged occasion affected by malice of joint publisher.
Egger v. Chelmsford (Viscount), C.A. [1965] 1 Q.B. 248; [1964] 3 W.L.R. 714.

————————Non-malicious agent publishing defamatory letter on instructions of principal—Whether agent having privilege providing independent defence where principal actuated by malice.
Egger v. Chelmsford (Viscount), C.A. [1965] 1 Q.B. 248; [1964] 3 W.L.R. 714.

Parliamentary papers—Report of Select Committee of House of Commons—Limit of newspaper's licence. **Dingle v. Associated Newspapers, Ltd.,**
H.L.(E.) [1964] A.C. 371; [1962] 3 W.L.R. 229.

Television broadcast of police information—Theft of pigs at auction—Offer of reward for information by auctioneers—Offer repeated in broadcast—Whether "of public concern and . . . for the public benefit"—Whether broadcast notice "issued . . . by or on behalf of . . . chief officer of police"—Defamation Act, 1952, ss. 7 (1) (2) (3), 9 (2), Sch., Pt. II, para. 12. **Boston v. W. S. Bagshaw & Sons,** C.A. [1966] 1 W.L.R. 1126.

Publication of libel

Letter to wife opened by husband

Whether natural and probable consequence of defendant's action.
Theaker v. Richardson, C.A. [1962] 1 W.L.R. 151.

Separate trials

Consolidated actions

Joint plaintiffs—Claim for special damage by one plaintiff only—Disagreement between plaintiffs—Whether severance of claims justified—Whether separate trials on liability and damages—R.S.C. (Rev. 1962), Ord. 15, rr. 5, 18.
Lewis v. Daily Telegraph Ltd. (No. 2), C.A. [1964] 2 Q.B. 601; [1964] 2 W.L.R. 736.

LIBEL AND SLANDER—*continued.*

Slander

Costs

Words spoken imputing unchastity or adultery to woman or girl—Plaintiff awarded damages and costs—Costs exceeding damages—Failure to apply at trial for certificate that reasonable ground for bringing action—Jurisdiction to grant certificate on subsequent application—Slander of Women Act, 1891, s. 1.
Russo v. Cole, Davies L.J. [1966] 1 W.L.R. 248.

Trial

Judge alone

Judge's findings of fact—Appellate court's powers.
Slim v. Daily Telegraph Ltd., C.A. [1968] 2 Q.B. 157; [1968] 2 W.L.R. 599.

Jury. (*See also* PRACTICE.)

Justification and privilege—Malice—General verdict returned for defendant—Specific question put to jury after return of general verdict—Whether permissible.
Barnes v. Hill, C.A. [1967] 1 Q.B. 579; [1967] 2 W.L.R. 632.

LICENCE. (*See also* CONTRACT; LICENSING; OCCUPIERS' LIABILITY; PATENT; ROAD TRAFFIC.)

Occupation of land

Expenditure of money on land

Expectation of being allowed to remain in occupation—Expectation induced and encouraged by landowner—Whether a licence to occupy land—Whether equity raised.
Inwards v. Baker, C.A. [1965] 2 Q.B. 29; [1965] 2 W.L.R. 212.

Revocation

Occupation of land for building work

R.I.B.A. conditions in contract—Purported termination of contract—Whether injunction should be granted to exclude contractor—Nature of licence—Whether possession in law in contractor—Trespass.
Hounslow London Borough Council v. Twickenham Garden Developments Ltd., Megarry J. [1970] 3 W.L.R. 538.

Termination

Denial of existence of licence

Whether effective as notice of termination—Assignment of licence personal to licensee.
Dorling v. Honnor Marine Ltd., Cross J. [1964] Ch. 560; [1963] 3 W.L.R. 397.

LICENCE OR TENANCY

Agricultural agreement

Agricultural cottage

Licence or service occupation. **Crane v. Morris,** C.A. [1965] 1 W.L.R. 1104.

Requisitioned land

Licence to occupy and use R.A.F. airfield as agricultural land—Whether taking effect as agreement for tenancy—Agricultural Holdings Act, 1948, s. 2 (1).
Finbow v. Air Ministry, McNair J. [1963] 1 W.L.R. 697.

Exclusive occupation. (*See also* POSSESSION; RATING.)

Furnished room

Separate room in house formerly hotel offered on weekly basis—Terms inclusive of cleaning of room but not of meals—Use of bathroom, etc., in common with others—Right reserved to owners to enter monthly to collect money from gas meter—No notice necessary to vacate if payment not in arrear—No covenants against subletting, assignment or restricting user—Whether licence or tenancy.
Appah v. Parncliffe Investments Ltd., C.A. [1964] 1 W.L.R. 1064.

No monetary rent

Unquantified services in return for exclusive occupation of part of house—No question of employment—Use of words such as "rent" and "sub-tenant"—Whether arrangement tenancy or licence to occupy.
Barnes v. Barratt, C.A. [1970] 2 Q.B. 657; [1970] 2 W.L.R. 1085.

Unfurnished room

Old people's home run by charitable organisation—Society reserving right to take possession on one month's notice "should it at its discretion think fit"—Bona fide decision by society to take possession in interest of occupier and other residents—Agreement creating licence only—Occupier not protected by Rent Acts—Society entitled to possession. **Abbeyfield (Harpenden) Society Ltd. v. Woods,** C.A. [1968] 1 W.L.R. 374.

Possession

Possession before completion of lease on payment of rent in advance

Whether periodic tenancy created.
D'Silva v. Lister House Development Ltd., Buckley J. [1970] 2 W.L.R. 563.

LICENCE OR TENANCY—*continued.*

Service agreement

Construction

Whether agreement service tenancy or licence to occupy.
G. E. Stevens (High Wycombe) Ltd. v. High Wycombe Corpn., Diplock J. [1962] 2 Q.B. 547; [1961] 3 W.L.R. 228.

Exclusive possession

Unfurnished bungalow—Occupier excluded after dismissal while continuing to reside—Whether licence or tenancy—Whether protected by Rent Acts—Whether injunction should go to restore access and occupation—Rent Act, 1965, s. 32 (1) (2).
Warder v. Cooper, Stamp J. [1970] Ch. 495; [1970] 2 W.L.R. 975.

LICENSING

Cinematograph exhibitions. *See* **Club** (*Public dancing*).

Club

Club licence

Licence in name of club proprietor—Adjoining premises owned by proprietor—Application for occasional licence for adjoining premises—Whether proprietor "holder of a retailer's on-licence"—Customs and Excise Act, 1952, s. 151—Licensing Act, 1961, s. 35 (2) (*a*).
Birt v. Swansea Justices, Divl.Ct. [1963] 1 W.L.R. 801.

Liquor

Control of premises delegated by licensee to manager—Sale of liquor to unauthorised persons in breach of condition in licence—"Knowingly"—Whether manager's knowledge to be imputed to licensee—Licensing Act, 1964, s. 161 (1).
Reg. v. Winson, C.A. [1969] 1 Q.B. 371; [1968] 2 W.L.R. 113.

Sale of intoxicating liquor without justices' licence—Liquor supplied by steward for payment to non-member—Honest belief that supplying to member—Whether "sale"—Licensing Act, 1964, s. 160 (1). **French v. Hoggett,** Divl.Ct. [1968] 1 W.L.R. 94.

Membership

Dancing, singing and music performed without a licence—Invitation to members of the public to apply for club membership—Admission as guests of committee on filling in application form and payment of 25s.—No proposer or seconder required—Whether candidates members of the public—Disorderly Houses Act, 1751, s. 2—London County Council (General Powers) Act, 1915, s. 16.
Panama (Piccadilly) Ltd. v. Newberry, Divl.Ct. [1962] 1 W.L.R. 610.

Public dancing, music and entertainment

Cinematograph exhibitions—Dancing and cinematograph exhibitions on unlicensed premises—Exhibitions on successive evenings—Whether continuous offences—"Keeping" premises—Penalties—London County Council (General Powers) Act, 1915, s. 16—London County Council (General Powers) Act, 1935, s. 55—Cinematograph Act, 1909, s. 1—Cinematograph Act, 1952. **Ridoutt v. Newberry,** Divl.Ct. (1964) 62 L.G.R. 484.

Registration

National headquarters of club in Surrey—Application in respect of local branch in Exeter—"Address" of club—Whether application defective—Licensing Act, 1964, s. 40, Sch. 5. **Reg. v. Exeter Justices,** *Ex parte* **Fowler,** Divl.Ct. [1966] 1 W.L.R. 1121.

Special order of exemption

Special occasion—Occasion of music and dancing—Admission of bona fide guests of members in accordance with club rules—Whether members or guests members of the public—Whether music and dancing licence required—Public Health Acts Amendment Act, 1890, s. 51—Licensing Act, 1964, ss. 40, 74 (4).
Severn View Social Club and Institute Ltd. v. Chepstow (Monmouthshire) Justices, D.C. [1968] 1 W.L.R. 1512.

Sunday entertainment

Premises licensed for music and dancing—Condition of licence that premises not allowed to be opened on Sunday for entertainments of public dancing—Sunday use of premises by dance club—Admission of non-member of club on payment of additional entrance fee—No other member of public present—Whether contravention of licence proved.
Gardner v. Morris, Divl.Ct. (1961) 59 L.G.R. 187.

Supper hour extension

Supply of intoxicating liquor with meals—Bar and restaurant with bar—Restaurant bar sales ancillary to refreshment—Total receipts from sale of intoxicating liquor in excess of receipts for meals—Whether supply of intoxicating liquor ancillary to supply of refreshment—"Ancillary"—Licensing Act, 1953, s. 104 (1).
Reg. v. Liverpool Licensing Justices, *Ex parte* **Tynan,** Divl.Ct. [1961] 1 W.L.R. 837.

LICENSING—*continued.*

Costs

Appeal

Successful appeal to quarter sessions against conditions imposed by licensing justices—discretion as to costs on successful appeal—Whether quarter sessions can order successful appellant to pay justices' costs of appeal—Licensing Act, 1953, ss. 36 (1), 37 (1) (*a*).
Reg. v. Bournemouth Licensing Justices, *Ex parte* **Maggs,** Divl.Ct. [1963] 1 W.L.R. 320.

Entertainment, extended hours for

Club

Playing of chemin-de-fer by members in two rooms—Many spectators of game—Supper hour certificate held—Refreshment and intoxicating liquor served in chemin-de-fer rooms—Whether spectators provided with "entertainment" within phrase "musical or other entertainment"—Whether permitted hours should be extended until 1 a.m. on weekdays—Licensing Act, 1961, ss. 9 (1), 33 (1).
Rous De Horsey v. Rignell, Divl.Ct. [1963] 1 Q.B. 914; [1963] 2 W.L.R. 162.

Gaming. *See* GAMING.

"Intoxicating liquor"

Mixture

Sale of shandy to person under 18—Mixture of beer and lemonade—Whether sale of intoxicating liquor—Customs and Excise Act, 1952, ss. 157 (1) (*a*), 163 (1), 307 (1)—Licensing Act, 1964, ss. 169 (1), 201 (1).
Hall v. Hyder, Divl.Ct. [1966] 1 W.L.R. 410.

Justices

Appeal from

Grant of new justices' licence—Notice of appeal given to clerk to licensing justices within 14 days—Notice given after 14 days to the applicant for the licence—Whether out of time—Jurisdiction of quarter sessions to extend time—Whether power under Magistrates' Courts Act, 1952, applicable—Magistrates' Courts Act, 1952, s. 84 (3)—Licensing Act, 1964, ss. 21 (1), 22 (1) (2). **Reg. v. Pembrokeshire Justices,** *Ex parte* **Bennell,** Divl.Ct. [1969] 1 Q.B. 386; [1968] 2 W.L.R. 858.

Case stated

Whether power to state case—Whether a "magistrates court"—Magistrates' Courts Act, 1952, ss. 87 (1), 124. **Jeffrey v. Evans,** Divl.Ct. [1964] 1 W.L.R. 505.

Control by courts. See CROWN PRACTICE (**Mandamus**).

Jurisdiction

Music and dancing licence—Power to impose conditions—Condition prohibiting performance by artiste other than vocalist or instrumentalist—Whether applicable to entertainment not required to be licensed—Public Health Acts Amendment Act, 1890, s. 51 (1) (2). **Whitehead v. Haines,** Divl.Ct. [1965] 1 Q.B. 200; [1964] 3 W.L.R. 197.

Provisional licence—Application for licence for premises in course of construction—Application not specifically asking for provisional licence—Whether necessary to stipulate that application for provisional licence—Licensing Act, 1964, Sch. 2, para. 4 (*d*).
Reg. v. Merthyr Tydfil Licensing Justices, *Ex parte* **Duggan,** D.C. [1970] 1 W.L.R. 1102.

Public dancing or music licence—Club—Whether applicant to satisfy justices that premises used for "public dancing or music"—Whether jurisdiction to grant licence without being so satisfied—Health Acts Amendment Act, 1890, s. 51.
Beynon v. Lower Caerphilly Licensing Justices, D.C. [1970] 1 W.L.R. 369.

Public music, singing and dancing licence—Grant, renewal or refusal—Whether licensing justices "court of summary jurisdiction"—Whether "magistrates' court"—Whether right of appeal to quarter sessions.
Reg. v. East Riding of Yorkshire Quarter Sessions, *Ex parte* **Newton,** Divl.Ct. and C.A. [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098.

Renewal of off-licence—Off-licence limited to beer—Application for renewal—"Similar" licence—Licence for beer, cider and wine only to be granted—Licensing Act, 1964, ss. 1, 3—Finance Act, 1967, s. 5 (1) (*c*), Sch. 7, para. 1 (*b*).
Reg. v. Leicester Licensing Justices, *Ex parte* **Bisson,** Divl.Ct. [1968] 1 W.L.R. 729.

Second application—Refusal of application for a licence for premises in course of construction—Refusal confirmed on appeal by quarter sessions—Whether jurisdiction to hear second application—Second application in respect of same premises after completion—Whether a "final" judgment of quarter sessions—Whether justices jurisdiction to entertain second application—Licensing Act, 1964, s. 23 (3).
Reg. v. Leicester Licensing Committee, *Ex parte* **Lyner,** D.C. (1968) 66 L.G.R. 736.

LICENSING—*continued.*

Licensed premises

Intoxicating liquor

Consumption after permitted hours—Licensee present on premises with knowledge of offence — No positive steps taken to eject customers — Passive assistance — Whether sufficient to constitute aiding and abetting of offence—Magistrates' Courts Act, 1952, s. 35—Licensing Act, 1964, s. 59. **Tuck v. Robson,** D.C. [1970] 1 W.L.R. 741.

Licence holder

Vicarious liability—Hotel manager holding justices' on-licence, restaurant licence and music and dancing licence summarily dismissed—Offence committed on premises after dismissal—Liability of manager—Whether " knowingly " sold—Whether " knowingly " permitted—Whether liable for " use " of premises—Whether principle of delegation applies—Public Health Acts Amendment Act, 1890, s. 51 (7)—Licensing Act, 1964, s. 161 (1) (2). **Duncan v. Hart,** Divl.Ct. (1967) 66 L.G.R. 250.

Licensee's exclusive right to sell

Sale of adulterated gin by barmaid employed by brewery company—Whether licensee responsible for barmaid's act—Licensing Act, 1953, s. 120 (1)—Food and Drugs Act, 1955, s. 2. **Goodfellow v. Johnson,** Divl.Ct. [1966] 1 Q.B. 83; [1965] 2 W.L.R. 1235.

Liquor sold to person under 18

Visual evidence of age—Whether sufficient proof that person under 18—Licensing Act, 1964, s. 169 (1). **Wallworth v. Balmer, Divl.Ct.** [1966] 1 W.L.R. 16.

Wife of licensee selling cider to boy of 14—No evidence that wife under control of licensee —Whether wife " servant " of licensee—Licensing Act, 1964, s. 169 (1) (4). **Brandish v. Poole, Divl.Ct.** [1968] 1 W.L.R. 544.

Music and dancing

Wedding reception in hotel—Bride's parents occupying rooms and providing entertainment—Whether " public entertainment "—Whether jurisdiction to extend public music, singing and dancing licence—Whether licence required—Sunday Observance Act, 1780, s. 1—Public Health Acts Amendment Act, 1890, s. 51. **Roe v. Harrogate Justices,** Divl.Ct. (1966) 64 L.G.R. 465.

Permitted hours

Extension for members of trade or calling—Club or licence—Club members following a lawful trade or calling—General order of exemption—Justices' discretion to make order—Whether discretion unfettered—Whether class of persons benefiting limited to persons working abnormal hours—Licensing Act, 1953, s. 106. **Young v. North Riding Justices,** Divl.Ct. [1965] 1 Q.B. 502; [1965] 2 W.L.R. 124.

" Premises "

Justices' consent to alteration—Consent to alteration of demolished hotel when site bare —Whether jurisdiction to consent—Licensing Act, 1964, s. 20 (1). **Reg. v. Hastings Licensing Justices,** *Ex parte* **John Lovibond & Sons Ltd.,** Divl.Ct. [1968] 1 W.L.R. 735.

Special hours certificate

Dance hall—Limited number of persons present purchasing meals—Whether " used " for " providing . . . substantial refreshment "—Whether provision of facilities—Provision of intoxicating liquor to persons not partaking of substantial refreshment or dancing—Whether ground for revocation of certificate—Licensing Act, 1964, ss. 77 (*b*), 81 (2). **Richards v. Bloxham (Binks),** D.C. (1968) 66 L.G.R. 739.

Revocation—Notice of intention to apply for revocation—Whether similar to complaint procedure—Certificate revoked on evidence of events occurring exclusively more than six months before notice—Whether notice out of time—Licensing Act, 1964, ss. 77, 81 (2), 91—Licensing (Special Hours Certificates) Rules, 1962, r. 2. **Czajkowsky v. Goodman,** Divl.Ct. (1966) 65 L.G.R. 136.

Sunday closing

Wales and Monmouthshire—Licensing Act, 1953, s. 111—Licensing Act, 1961, s. 6. **Cooper v. Rhymney Breweries Ltd.,** Cross J. [1965] 1 W.L.R. 1378.

Licensing planning committee

Jurisdiction

Justices' on-licence—Application for certificate of non-objection—Committee's requirement to amend application to include condition—Refusal to amend certificate of objection issued—Whether condition extraneous to powers of licensing planning committee—Licensing Act, 1964, s. 119 (2). **Reg. v. London (Metropolis) Licensing Planning Committee,** *Ex parte* **Baker,** D.C. [1970] 3 W.L.R. 758.

Restaurant

On-licence for sale of liquor with meal

Waitress serving intoxicating liquor to persons not ordering a meal—Licensee's ignorance of sale—Whether sufficient delegation of authority to waitress to render licensee liable—Licensing Act, 1961, s. 22 (1) (*a*). **Vane v. Yiannopoullos,** Divl.Ct. [1964] 2 Q.B. 739; [1964] 2 W.L.R. 1335. H.L.(E.) [1965] A.C. 486; [1964] 3 W.L.R. 1218.

LICENSING—*continued.*

"Sale by retail"

Intoxicating liquor

Supplied to guests at social parties—Previous payment by guests for right to attend—Intoxicating liquor freely available—Whether "a sale by retail" of intoxicating liquor—Whether a transaction "in the nature of a sale"—Customs and Excise Act, 1952, s. 148 (4)—Licensing Act, 1953, ss. 120 (1) (*a*), 154 (1), 165.
Doak v. Bedford, Divl.Ct. [1964] 2 Q.B. 587; [1964] 2 W.L.R. 545.

Selling to unpermitted person

"Knowingly"

Club—Club licence—On-licence with condition that intoxicating liquor sold only to members properly elected and guests duly admitted in accordance with club rules—Systematic disregard of rules in presence of licensee—Licensee intending system to continue in absentia—Knowledge—Personal or actual knowledge—Whether licensee during absence "knowingly" supplying intoxicating liquor on premises in breach of condition of licence—**Licensing Act, 1961, s.** 22 (1) (*a*).
Ross v. Moss, Divl.Ct. [1965] 2 Q.B. 396; [1965] 3 **W.L.R. 416.**

Sunday. *See* SUNDAY.

LIEN. (*See also* SALE OF GOODS; SOLICITOR; VENDOR AND PURCHASER.)

Common law

Artificer's lien

Car delivered to garage for repairs — Monthly credit account arrangement — Whether implied waiver of lien. **Wilson v. Lombank Ltd.,** Hinchcliffe J. [1963] 1 W.L.R. 1294.

Lien against bailor of goods delivered to artificer by bailee—Motor van—Right of bailee to part with possession to third party—Extent of—Lien—Breakdown while van under bailee's control—Artificer instructed by bailee to take possession and effect repairs—Bailee's failure to pay—Whether artificer entitled to exercise common law lien against owner of van. **Tappenden v. Artus,** C.A. [1964] 2 Q.B. 185; [1963] 3 W.L.R. 685.

Deposit of deeds and documents

Unregistered equitable charge by company—Whether separate legal or common law lien—Whether lien preserved after avoidance of charge—Companies Act, 1948, s. 95 (1) (2) (*d*) (*e*). *In re* **Molton Finance Ltd.,** C.A. [1968] Ch. 325; [1967] 3 W.L.R. 1561.

Lien of vendor

Subrogation

Moneylending transaction—Moneylender's security void—Money paid by moneylender direct to vendor of property—Whether moneylender entitled to vendor's lien on property by subrogation.
Congresbury Motors Ltd. v. Anglo-Belge Finance Co. Ltd., C.A. [1970] 3 W.L.R. 683.

LIMITATION OF ACTION

Acknowledgment

Current account

Rule in Clayton's case—Payment generally on account—Whether payment "in respect of" balance due—Limitation Act, 1939, s. 23 (4).
In re **Footman Bower & Co. Ltd.,** Buckley J. [1961] Ch. 443; [1961] 2 W.L.R. 667.

Debt

Action for recovery of money lent—Interrogatories—Answer might acknowledge debt and destroy defence—Whether interrogatories permissible—Limitation Act, 1939, ss. 23 (4), 24—R.S.C., Ord. 26, s. 1 (3). **Lovell v. Lovell,** C.A. [1970] 1 W.L.R. 1451.

Action in foreign court—Defendant's pleading denying liability—Whether pleading sufficient "acknowledgment"—Limitation Act, 1939, ss. 23 (4), 24 (1) (2).
In re **Flynn, decd. (No. 2),** Buckley J. [1969] 2 Ch. 403; [1969] 2 W.L.R. 1148.

Company balance sheets—Signature of directors to balance sheets—Acknowledging debts—Balance sheets signed many months after date to which made up—Whether acknowledgments of existing debt at date of signature—Whether acknowledgments effective—Indian Limitation Act, 1908, ss. 19, 20—Limitation Act, 1939, s. 23 (4).
Consolidated Agencies Ltd. v. Bertram Ltd., P.C. [1965] A.C. 470; [1964] 3 W.L.R. 671.

"Outstanding rent can be settled as soon as you present your account"—Whether an acknowledgment—"Acknowledgment of the claim"—Meaning—Limitation Act, 1939, ss. 2 (1) (*d*), 23 (4). **Good v. Parry,** C.A. [1963] 2 Q.B. 418; [1963] 2 W.L R. 846.

LIMITATION OF ACTION—*continued.*

Acknowledgment—*continued.*

Debt—*continued.*

Tax deduction certificates signed by debtor as certifying payments as "loan interest"—Letter saying "Keep a check of totals and amounts I owe you and we will have account now and then. . . . Sorry I cannot do you a cheque yet"—Whether letter an "acknowledgment" of debt—Limitation Act, 1939, s. 24 (1).
Dungate v. Dungate, Edmund Davies J. and C.A. [1965] 1 W.L.R. 1477.

Land

Offer by squatter to purchase.
Edginton v. Clark, C.A. [1964] 1 Q.B. 367; [1963] 3 W.L.R. 721.

Pleading

Whether acknowledgment of debt to be pleaded in statement of claim or reply—Whether acknowledgment creates new cause of action—Amendment more than six years after acknowledgment—Limitation Act, 1939, ss. 2, 23 (4).
Busch v. Stevens, Lawton J. [1963] 1 Q.B. 1; [1962] 2 W.L.R. 511.

Concealment by fraud

Builder

Materials used inferior to materials in specification—Plaintiffs not informed of change—Builder's knowledge that bricks of poor quality—Knowledge of builder that no one supervising work on behalf of plaintiffs—Defects not apparent until eight years after completion of work—Action brought nine years after completion—Whether statute barred—Whether special relationship between parties—Whether plaintiffs' right of action concealed by the "fraud" of defendant—Damages—Limitation Act, 1939, ss. 2 (1), 26 (*b*). **Clark v. Woor**, Lawton J. [1965] 1 W.L.R. 650.

Conversion

Fraudulent breach of trust—Sale of trust property by tenant for life through intermediary to third parties—Fraudulent concealment of right of action discovered after expiry of limitation period—Claims against third parties for damages for conversion—Whether right of action concealed by fraud of "defendant . . . or of any person through whom he claims"—Whether third parties "claiming through" tenant for life—"Through whom he claims"—Innocent purchaser for value—Whether protected against action "to recover . . . any property" after expiry of relevant limitation period—Whether protection extending to cover actions to recover value of property—Limitation Act, 1939, ss. 3 (1) (2), 26 (*b*), 31 (4).
Eddis v. Chichester Constable, C.A. [1969] 2 Ch. 345; [1969] 3 W.L.R. 48.

Contract, breach of

Building company

Work completed for plaintiff company in 1962—1963 agreement by which building company assigned assets and liabilities to another limited company—Assignee company taking same name as original building company—Claim by plaintiff company for building defects served on assignee company as defendants—Defence that defendants not party to building contract—Leave to amend claim to allege novation of original contract by 1963 agreement sought after expiry of limitation period—Whether just to allow amendment depriving defendants of defence under Statutes of Limitation where confusion caused by assumption of same name as original building company—Effect of novation, if proved, on commencement of limitation period—R.S.C. (Rev. 1965), Ord. 20, r. 5 (2) (3) (4) (5). **Chatsworth Investments Ltd. v. Cussins (Contractors) Ltd.**, C.A. [1969] 1 W.L.R. 1.

Negligence

Architect—Failure to use reasonable care and skill—Whether liable to client in tort or contract—Date time begins to run—Limitation Act, 1939, s. 2.
Bagot v. Stevens Scanlan & Co. Ltd., Diplock L.J. [1966] 1 Q.B. 197; [1964] 3 W.L.R. 1162.

Death. *See* FATAL ACCIDENTS ACTS.

Family provision. *See* FAMILY PROVISION.

Land, recovery of. (*See also* **Acknowledgment.**)

Adverse possession

Meaning of—Limitation Act, 1939, s. 10 (1). **Hughes v. Griffin**, C.A. [1969] 1 W.L.R. 23.

Licensee

Property conveyed away by owner-occupier—Continuous occupation by original owner and wife for more than 12 years after conveyance—Occupation consented to by new owner—Title deeds given to new owner more than 12 years after date of conveyance—Claim for possession—Nature of occupancy—Whether as licensee or tenant at will—Whether possessory title established—Limitation Act, 1939, ss. 4 (3), 5 (3), 9 (1), 10 (1).
Hughes v. Griffin, C.A. [1969] 1 W.L.R. 23.

LIMITATION OF ACTION—*continued.*

Land, recovery of—*continued.*

Possessory title

Purported conveyance to plaintiff's predecessor in title of later date than conveyance to defendant, the true owner—True owner unaware for 20 years that land included in conveyance to him—True owner employed by plaintiff for normal agricultural operations on land—Cattle turned out on land, during intervals between agricultural operations. by true owner without permission from plaintiff—Later grazing tenancy or licence relating, inter alia. to particular land in question, granted by plaintiff to true owner—Whether plaintiff's adverse possession interrupted by true owner's acts of user or by his possession of the land under tenancy or licence from the plaintiff—Whether plaintiff entitled to declaration that he had acquired possessory title by adverse possession for 12 years—Whether tenancy or licence agreement void, insofar as it related to the particular land, for mutual mistake—Limitation Act, 1939, ss. 4 (3), 9 (3), 10 (1) (2) (3), 16. **Bligh v. Martin,** Pennycuick J. [1968] 1 W.L.R. 804.

Squatter's title

Foundations extending into adjoining land—Agreement regarding mutual rights—Whether tenancy at will created—User for over 12 years—Limitation Act, 1939, ss. 4 (3), 9 (1). **E. R. Ives Investment Ltd. v. High,** C.A. [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789.

Title acquired against lessee—Forfeiture of lease for non-payment of rent and re-entry by freeholder—Squatter's rights as against freeholder—Whether relief available against forfeiture. **Tickner v. Buzzacott,** Plowman J. [1965] Ch. 426; [1965] 2 W.L.R. 154.

————————Surrender of lease—Merger of lease in freehold—Whether freeholder entitled immediately to re-enter.
St. Marylebone Property Co. Ltd. v. Fairweather, C.A. [1962] 1 Q.B. 498; [1961] 3 W.L.R. 1083.
H.L.(E.) [1963] A.C. 510; [1962] 2 W.L.R. 1020.

Land, user of

Mooring rights

Tidal creek—Whether right to fix permanent moorings—Whether custom or a presumed lost modern grant—Limitation Act, 1939, s. 4 (1), proviso.
Fowley Marine (Emsworth) Ltd. v. Gafford, Megaw J. [1967] 2 Q.B. 808; [1967] 2 W.L.R. 1461.

Landlord and tenant

"Adverse possession"

Tenancy from year to year without lease in writing—Adverse possession—Meaning—Parcel of land let as garden to incumbent of parish—No rent paid or demanded after 1941—Change of user of land from garden to coach park—Claim for possession by landlord—Whether excluded by effluxion of time—Whether incumbent of parish acquiring title in fee simple—Limitation Act, 1939, ss. 4 (3), 9 (2), 10 (1) (2).
Hayward v. Chaloner, C.A. [1968] 1 Q.B. 107; [1967] 3 W.L.R. 1068.

Lease, forfeiture of

Claim for relief

Peaceable re-entry by landlord—Equitable jurisdiction of court to grant relief—Whether statutory limitation period applicable—Common Law Procedure Act, 1852.
Thatcher v. C. H. Pearce & Sons (Contractors) Ltd., Sir Jocelyn Simon P. [1968] 1 W.L.R. 748.

Negligence

Injury caused by acts outside statutory period

Injury first discovered within statutory period—When cause of action accrues—Whether damage must be ascertainable—Pneumoconiosis—Limitation Act, 1939, s. 2 (1).
Cartledge v. E. Jopling & Sons Ltd., C.A. [1962] 1 Q.B. 189; [1961] 3 W.L.R. 838.
H.L.(E.) [1963] A.C. 758; [1963] 2 W.L.R. 210.

Personal injuries

Disability, person under

Custody of parent—"Unsoundness of mind"—Person rendered incapable of managing and administering property and affairs—Adult male in skilled occupation rendered unsound of mind in road accident and thereafter cared for by widowed mother—Whether "in the custody of a parent" at the time when right of action accrued to him—Whether action for damages for negligence brought after expiry of three-year period of limitation barred by proviso excluding from extension for disability infants and persons of unsound mind "in the custody of a parent"—Limitation Act, 1939, ss. 22 (*d*), 31 (1) (2) (as amended by Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (2)). **Kirby v. Leather,** C.A. [1965] 2 Q.B. 367; [1965] 2 W.L.R. 1318.

LIMITATION OF ACTION—*continued.*

Personal injuries—*continued.*

Disability, person under—continued.

Infancy—Custody of a parent—15-year-old boy living and working on farm away from parents and financially independent—Whether in "custody of a parent" at time when his right of action accrued—Action for damages for negligence brought after expiration of three-year limitation period—Whether barred by proviso excluding from extension for disability infants "in the custody of a parent"—Limitation Act, 1939, s. 22 (2) (*b*) (as amended by Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (2)).
Hewer v. Bryant, Paull J. [1969] 1 Q.B. 415; [1968] 3 W.L.R. 910.
C.A. [1970] 1 Q.B. 357; [1969] 3 W.L.R. 425.

————18-year-old boy living with parents but enjoying economic and social independence—Whether "in the custody of a parent" at time when right of action accrued to him—Action for damages for negligence brought after expiry of three-year period of limitation—Whether barred by proviso excluding from extension for disability infants "in the custody of a parent"—Limitation Act, 1939, s. 22 (2) (*b*) (as amended by Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (2)).
Brook v. Hoar, Melford Stevenson J. [1967] 1 W.L.R. 1336.

————Infant in care of children's authority—Injury sustained in children's home—Whether "in the custody of a parent" at a time when right of action accrued—Action for damages for negligence brought after expiry of three-year period of limitation—Whether barred by proviso excluding from extension for disability of infants "in the custody of a parent"—Limitation Act, 1939, ss. 2 (1), 22 (as amended by Law Reform (Limitation of Actions, etc.) Act, 1954, ss. 2 (2), 8).
Duncan v. Lambeth London Borough Council, Donaldson J.
[1968] 1 Q.B. 765; [1968] 2 W.L.R. 88.

Extension of time

Application ex parte before writ for extension of time-limit—Wrong order made without jurisdiction by district registrar—Whether irregularity or nullity—Whether application "proceedings"—Whether application made to "court"—"Accidental slip or omission"—Limitation Act, 1963, ss. 1 (2), 2 (1)—R.S.C. (Rev. 1965), Ord. 2, r. 1 (1); Ord. 20, r. 11. **Harkness v. Bell's Asbestos and Engineering Ltd.**, C.A. [1967] 2 Q.B. 729; [1967] 2 W.L.R. 29.

Death from cancer 14 years after exposure to danger—Widow's knowledge after death—Writ against defendants within year of death—Defendants' joinder of third party over year after death—Whether widow entitled to leave to join third party as defendant—"Action . . . in respect of a person's death"—"Relevant action"—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 3—Limitation Act, 1963, ss. 1, (2) (5), 3 (4)—R.S.C., Ord. 15, r. 6; Ord. 20, r. 5 (1) (2) (3) (4) (5).
Lucy v. W. T. Henleys Telegraph Works Co. Ltd., C.A. [1970] 1 Q.B. 393; [1969] 3 W.L.R. 588.

Knowledge after six years of silicosis through working in mines—Subsequent knowledge of attributability to negligence or breach of duty—Whether attributability or causation a "material fact . . . of a decisive character"—Reference to trade union—Whether "all such action . . . as was reasonable"—Limitation Act, 1963, ss. 1 (1) (2) (3), 7 (3) (4) (5).
In re **Pickles v. National Coal Board (Intended Action)**, C.A. [1968] 1 W.L.R. 997.

Knowledge after 10 years of injury caused by work with asbestos—Death from asbestosis eight months later—Whether "constructive knowledge" of attributability of injury to fault of former employer—Whether reasonable for dying man to seek legal advice—"All such action . . . as was reasonable"—Limitation Act, 1963, ss. 1 (1) (2) (3), 7 (3) (4) (5).
Newton v. Cammell Laird & Co. (Shipbuilders and Engineers) Ltd.,
C.A. [1969] 1 W.L.R. 415.

Leave to bring action—Whether leave should be given to plaintiff who knew he had asbestosis more than 12 months before proceedings commenced—Limitation Act, 1963, s. 1. **Skingsley v. Cape Asbestos Co. Ltd.**, C.A. [1968] 2 Lloyd's Rep. 201.

Material fact outside knowledge of plaintiff—Application by member of trade union for advice—Union's mistaken belief that nature of illness known to member in 1962—Nature of illness unknown to him until 1966—Union's advice that action statute-barred based on mistake—Member not informed by trade union that illness caused by breach of statutory duty or negligence of employers—Whether lack of knowledge of material facts relating to cause of action—Limitation Act, 1963, ss. 1 (3), 7 (3).
Drinkwater v. Joseph Lucas (Electrical) Ltd., C.A. [1970] 3 All E.R. 769.

Negligence—Leave ex parte to intended plaintiff to advance complaint of negligence unrestricted by three-year statutory limitation—Whether right in defendant to apply to set aside order granting leave—Whether general right to apply to discharge ex parte order before trial of action excluded by express terms of statute—Whether appeal lay to House of Lords—Limitation Act, 1963, ss. 1 (1) (3), 2 (1) (2), 7 (3) (4) (5)—R.S.C. (Rev. 1962), Ord. 128, r. 2.
Cozens v. North Devon Hospital Management Committee,
Thompson J. [1966] 2 Q.B. 318; [1966] 2 W.L.R. 1134.
C.A. [1966] 2 Q.B. 330; [1966] 3 W.L.R. 279.

LIMITATION OF ACTION—*continued.*

Personal injuries—*continued.*

Extension of time—continued.

Negligence—Occupier's identity discovered outside statutory period—Application for extension of time-limit—Whether occupier's identity "material facts"—Limitation Act, 1963, ss. 1 (1) (2) (3), 2 (2), 7 (3) (5).
In re **Clark v. Forbes Stuart (Thames Street) Ltd.**, C.A. [1964] 1 W.L.R. 836.

No action brought within statutory limitation period—Deterioration outside limitation period—Leave granted ex parte to begin action otherwise statute-barred—Whether deterioration fact "of a decisive character"—Whether triable as preliminary issue—Test applicable in considering grant of leave ex parte—No extension of time where reasonable man in plaintiff's position would have realised he had worthwhile action within limitation period—Duty of court to scrutinise applications ex parte for extension of time—Expediency of trial of preliminary issue where no further evidence necessary—Limitation Act, 1963, s. 7 (3) (4). **Goodchild v. Greatness Timber Co. Ltd.**, C.A. [1968] 2 Q.B. 372; [1968] 2 W.L.R. 1283.

Public authority

Crown, claim against

Destruction of private property in war—Order of commanding officer of army—Public Authorities Protection Act, 1893, s. 1. **Burmah Oil Co. Ltd. v. Lord Advocate,** H.L.(Sc.) [1965] A.C. 75; [1964] 2 W.L.R. 1231.

Registered land. *See* LAND REGISTRATION.

Shipping. *See* SHIPPING.

Statute, action on

Accrual of cause of action

Electricity undertaking—Transferred by statute to new authority—Cash vested in authority—Vesting date—Question whether cash held by former undertakers in that capacity—Reference to Minister under Act—Action by authority to recover cash—Whether cause of action accrued from date of Minister's decision—Limitation Act, 1939, s. 2 (1) (*d*) (3)—Electricity Act, 1947, ss. 14 (1) (2), 15 (1) (3).
Central Electricity Board v. Halifax Corpn., H.L.(E.) [1963] A.C. 785; [1962] 3 W.L.R. 1313.

Time, computation of

Action founded on tort

Personal injuries sustained on November 8, 1954—Writ issued on November 8, 1957—Whether day of event causing injuries excluded—Meaning of "from"—Limitation Act, 1939, s. 2 (1)—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (1).
Marren v. Dawson Bentley & Co. Ltd., Havers J. [1961] 2 Q.B. 135; [1961] 2 W.L.R. 679.

Writ amended to add defendant

Amended writs stamped and re-sealed within limitation period—Service on added defendant outside period—Whether service out of time—R.S.C. (Rev. 1962), Ord. 15, rr. 6, 8.
Seabridge v. H. Cox & Sons (Plant Hire) Ltd., C.A. [1968] 2 Q.B. 46; [1968] 2 W.L.R. 629.

Tort

Bailment

Alleged breach of duty by deceased's bailee—Claim for loss of goods—Claim for money had and received by deceased to the plaintiff's use—Whether claims based in contract or tort—Whether statute barred—Law Reform (Miscellaneous Provisions) Act, 1934, s. 1. **Chesworth v. Farrar,** Edmund Davies J. [1967] 1 Q.B. 407; [1966] 2 W.L.R. 1073.

Trespass to the person

Personal injuries

Facts also giving rise to cause of action in negligence—Action in negligence statute-barred—Whether trespass to the person "breach of duty"—Whether period of limitation six years or three—Limitation Act, 1939, s. 2 (1)—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (1).
Letang v. Cooper, Elwes J. [1964] 2 Q.B. 53; [1964] 2 W.L.R. 642.
C.A. [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573.

Intentional trespass—Whether "breach of duty"—Whether period of limitation six years or three—Limitation Act, 1939, s. 2 (1)—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (1). **Long v. Hepworth,** Cooke J. [1968] 1 W.L.R. 1299.

Trust

Action by beneficiary

"Future interest"—Advancements in breach of trust—Limitation Act, 1939, s. 19 (2), proviso. *In re* **Pauling's Settlement Trusts,** C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

Fraudulent breach of trust

Sale of trust property by tenant for life through intermediary to third parties—Claim against them by trustees for damages for conversion—Whether claim statute-barred—Concealed fraud—Application of rules of equity—Limitation Act, 1939, s. 26.
Eddis v. Chichester Constable, Goff J. [1969] 2 Ch. 345; [1969] 1 W.L.R. 385.

LIMITATION OF ACTION—*continued.*

Vested right to limit. (*See also* PRACTICE (**Writ**).)

Amendment of proceedings

Addition of defendants after expiration of limitation period—Whether permissible—R.S.C. (Rev. 1965), Ord. 20, r. 5.
Braniff v. Holland & Hannen and Cubitts (Southern) Ltd., C.A. [1969] 1 W.L.R. 1533.

Negligence—Denial of damages—Fresh facts coming to light—Allegation of novus actus interveniens — Expiration of limitation period — Application by defendant to amend defence to allege injury due to negligence of third party—No default by defendants.
Weait v. Jayanbee Joinery Ltd., C.A. [1963] 1 Q.B. 239; [1962] 3 W.L.R. 323.

Specially indorsed writ claiming statute barred debt—Leave sought to amend by pleading acknowledgment more than six years ago but within six years of issue of writ—Whether acknowledgment new cause of action—Limitation Act, 1939, ss. 2, 23 (4).
Busch v. Stevens, Lawton J. [1963] 1 Q.B. 1; [1962] 2 W.L.R. 511.

Statement of claim alleging negligence against two alternative defendants—No action against employers—Leave sought by second defendants to amend defence after expiry of limitation period—Proposed amendment alleging contributory negligence by plaintiff in failing to wear protective helmet supplied by employers—Whether court justified in allowing the amendment.
Turner v. Ford Motor Co. Ltd., C.A. [1965] 1 W.L.R. 948.

Statement of claim alleging negligence of defendants, their servants or agents—Particulars alleging failure to protect workman against defective tool—Leave sought to amend particulars of negligence after expiry of limitation period—Amended particulars alleging vicarious liability of defendants—Whether new cause of action—Whether court entitled to allow amendment of particulars—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2. **Dornan v. J. W. Ellis & Co. Ltd.,** C.A. [1962] 1 Q.B. 583; [1962] 2 W.L.R. 250.

Writ issued in name of three partners—Statement of claim alleging contract made by third plaintiff on behalf of himself and present partners—Defence denying contract with present partners—Amendment of statement of claim sought to plead equitable assignment of former partnership rights to present plaintiffs—Limitation Act, 1939.
Robinson v. Unicos Property Corpn. Ltd., C.A. [1962] 1 W.L.R. 520.

Nature

Whether of substance or procedure—Rule of court permitting amendment of pleading after expiry of limitation period—Whether rule "regulating . . . procedure"—Whether ultra vires—Supreme Court of Judicature (Consolidation) Act, 1925.
Rodriguez v. R. J. Parker (Male), Nield J. [1967] 1 Q.B. 116; [1966] 3 W.L.R. 546.

Writ, defectively indorsed. *See* PRACTICE.

Writ, service. *See* PRACTICE.

LIMITATION OF LIABILITY. *See* SHIPPING.

LIVERPOOL COURT OF PASSAGE

Appeal from. *See* COURT OF APPEAL (**Jurisdiction**).

Jurisdiction

Certiorari

Removal of pending action to High Court — Discretion of High Court — Whether "desirable" that action be heard in High Court—Liverpool Corporation Act, 1921, s. 256. **Reg. v. Liverpool Court of Passage Registrar,** *Ex parte* **William Braund Ltd.,** Divl.Ct. [1966] 1 W.L.R. 241.

LOCAL GOVERNMENT. (*See also* COMPULSORY PURCHASE; EDUCATION; HIGHWAY; LIMITATION OF ACTION; METROPOLIS; PUBLIC HEALTH.)

Building

Contravention of by-laws. *See* BUILDING (**By-laws**).

Consultation with local authority

Duty of Minister

Alteration of boundaries—Mauritius. **Port Louis Corpn. v. Attorney-General of Mauritius,** P.C. [1965] A.C. 1111; [1965] 3 W.L.R. 67.

Contract

Seal

Whether contract by corporation can be rectified—Agreement by borough surveyor to vary proposed terms.
Carlton Contractors Ltd. v. Bexley Corpn., Ungoed-Thomas J. (1962) 60 L.G.R. 331.

LOCAL GOVERNMENT—*continued.*

District auditor

Powers

Objection to items of account for tree felling—Whether matter of policy for local authority—Hearing of objection by district auditor quasi-judicial—Whether objector right to cross-examine—Local Government Act, 1933, ss. 226, 228, 229.
Colton v. District Auditor for Wembley Borough Council,
Divl.Ct. (1962) 60 L.G.R. 247.

Surcharge

"Proper ground" for making declarations that councillors acted in the belief that they were authorised by law—Not completely unfit to be councillors—Discretion of court—"May" make a declaration—Meaning of "may"—Relief from surcharge—Failure to increase rents—Local Government Act, 1933, s. 230.
Annison v. District Auditor for St. Pancras Borough Council, Divl.Ct.
[1962] 1 Q.B. 489; [1961] 3 W.L.R. 1148.

School caretaker—Responsibility for school heating—Duty to receive deliveries of coke and sign delivery notes—No duty to check exact quantity delivered—Whether duty to report obvious deficiencies—Whether liable to surcharge—Possibility of pilfering or negligence by other persons—Apportionment of surcharge—Local Government Act, 1963, s. 228 (1) (*d*).
Pooley v. District Auditor No. 8 Audit District, Divl.Ct. (1964) 63 L.G.R. 60.
C.A. (1965) 63 L.G.R. 236.

Election. (*See also* ELECTION.)

County council election

Nomination paper in Welsh—Translation of form containing required particulars and subscriptions—Whether "to the like effect" as printed form—Validity—Local Government Act, 1933, ss. 8, 61—Representation of the People Act, 1949, ss. 26, 171—Local Elections Rules, 1, 5, 6, 7, 8, 9, Parliamentary Elections Rules 7, 13—County and Borough Election Forms Regulations, 1951, reg. 1—Welsh Courts Act, 1942—Act of Union, 1536. **Evans v. Thomas,** Divl.Ct. [1962] 2 Q.B. 350; [1962] 3 W.L.R. 550.

Illegal practice

Relief—Necessity for prompt application for acts done in good faith—Unexplained delay in making application to court—Whether proper case for relief—Representation of the People Act, 1949, s. 145.
In re **Richmond (East Sheen Ward) Borough Council Election,** *Ex parte* **Smith,**
Roskill J. (1969) 67 L.G.R. 415.

London borough council election

Application for order to inspect ballot papers—Serious discrepancies between published voting figures and possible votes on ballot papers issued—Whether an "offence in relation to ballot papers"—Purpose of order—Whether "required" for intended prosecution—Discretion—Representation of the People Act, 1949, s. 51 (1) (3)—London Borough Council Elections Rules, 1968, r. 49 (1).
McWhirter v. Platten, D.C. [1970] 1 Q.B. 508; [1969] 2 W.L.R. 42.

Nomination paper

Signatures — Signature of assentor — Usual signature differing from name on electoral register—Nomination paper held invalid—Whether usual signature required—Representation of the People Act, 1949, s. 126—Urban District Council Election Rules, 1951, Sch. 1, rr. 5 (1), 6 (1) (2), 9 (1) (2) (*a*), App.
In re **Melton Mowbray (Egerton Ward) Urban District Council Election,**
D.C. [1969] 1 Q.B. 192; [1968] 3 W.L.R. 886.

Petition

Procedure—Petition for case to be stated—Successful candidate's consent stating that owner of freehold land in county—Contracts for sale of land to candidate not exchanged until after date of election—Admission that unqualified—Notice of intention not to oppose petition—All material evidence before court—Whether case stated need be ordered—Power of court to declare election void on material before it—Local Government Act, 1933, s. 57—Representation of the People Act, 1949, s. 126 (1)—R.S.C., Ord. 34, r. 2—Election Petitions Rules, 1960. **Herbert v. Pauley,** Divl.Ct. (1964) 62 L.G.R. 647.

Returning officer

Powers—Rejection of nomination paper before latest time for delivery of nominations—Whether rejection valid—Local Government Act, 1933, ss. 8, 61—Representation of the People Act, 1949, ss. 26, 171—Local Elections Rules 1, 5, 7, 8, 9, Parliamentary Elections Rules 7, 13—County and Borough Election Forms Regulations, 1951, reg. 1—Welsh Courts Act, 1942—Act of Union, 1536.
Evans v. Thomas, Divl.Ct. [1962] 2 Q.B. 350; [1962] 3 W.L.R. 550.

Elector

Locus standi

Ratepayer's offer to purchase council's land—Demolition on council's land authorised by council committee—No authorisation by council—Action by ratepayer to restrain demolition—Interim injunction granted to ratepayer upon undertaking as to damages—Subsequent ratification by council of committee—Action discontinued—Whether ratepayer competent to sue—Whether ratepayer liable in damages.
Bennett v. Yateley Parish Council, C.A. (1964) 63 L.G.R. 29

LOCAL GOVERNMENT—*continued.*

Land drainage. *See* LAND DRAINAGE.

Local Government Commission

Report

Objections—Local inquiry appointed to inquire into—Validity of inquiry—Inspectors appointed to conduct inquiry inexperienced in local government—Not empowered to make recommendations as to respective merits of commission's proposals and objectors' alternative schemes—Purpose of inquiry—Whether administrative or quasi-judicial—Local Government Act, 1958, s. 23.
Wednesbury Corpn. v. Ministry of Housing and Local Government (No. 2), C.A. [1966] 2 Q.B. 275; [1965] 3 W.L.R. 956.

London County Council. *See* METROPOLIS.

Meeting of local authority

Voting

Mayor—Vote cast when not presiding—Aldermanic election—Mayor eligible for re-election as alderman—Chair taken by alderman—Vote by mayor—Equality of votes—Casting vote given by presiding alderman—Whether mayor's vote valid—Local Government Act, 1933, s. 22 (2), Sch. 3, Pt. II, para. 3.
In re **Wolverhampton Borough Council's Aldermanic Election,** Divl.Ct. [1962] 2 Q.B. 460; [1961] 3 W.L.R. 1139.

Member of local authority

Disqualification

Paid office "in the gift or disposal" of local authority—Headmaster of county school member of local council—Appointment by independent committee—Local Government Act, 1933, s. 59 (1) (*a*). **Boyd v. Easington Rural District Council,** Cross J. [1963] 1 W.L.R. 1281.

Minister

Consultation with local authority

Duty of Minister—Local inquiry into objections to report of Local Government Commission—Inspectors appointed by Minister pursuant to statutory powers—Function of Minister—Whether under a duty to require recommendations as to respective merits of commission's proposals and competing proposals—Policy of Act—Local Government Act, 1958, s. 23.
Wednesbury Corpn. v. Ministry of Housing and Local Government (No. 2), C.A. [1966] 2 Q.B. 275; [1965] 3 W.L.R. 956.

Nuisance

Action by local authority

Claim for injunction to restrain noise—Public nuisance—Whether statutory right to sue in own name—Local Government Act, 1933, s. 276.
Prestatyn Urban District Council v. Prestatyn Raceway Ltd., Goff J. [1970] 1 W.L.R. 33.

Non-feasance. *See* HIGHWAY.

Statutory undertaking

Explosion in highway—Escape of gas caused by burst water main belonging to corporation—No negligence by gas board or by corporation—Whether either gas board or corporation liable.
Dunne v. North Western Gas Board, C.A. [1964] 2 Q.B. 806; [1964] 2 W.L.R. 164.

Sewer—Laid across and in bed of river—Properly laid and maintained—Natural forces or acts of third party causing erosion of bed—Sewer exposed causing eddying and turbulence of water—Damage to riparian property—Whether authority liable—Public Health Act, 1936, s. 331. **Radstock Co-operative and Industrial Society Ltd. v. Norton-Radstock Urban District Council,** C.A. [1968] Ch. 605; [1968] 2 W.L.R. 1214.

Parish

Parish meeting

Right to demand poll—"Question arising" for decision at meeting—Decision by voting on resolution or amendment thereto—Local Government Act, 1933, s. 77, Sch. 3, Part VI, para. 5 (2) (4). **Bennett v. Chappell,** C.A. [1966] Ch. 391; [1965] 3 W.L.R. 829.

"Powers, duties and liabilities of vestry" transferred to parish council

Right of inhabitants to hold fair on certain land—Whether "buildings, lands or hereditament"—Whether "powers"—Poor Relief Act, 1819, s. 17—Local Government Act, 1894, s. 6 (*a*). **Wyld v. Silver,** Lloyd-Jacob J. [1962] Ch. 561; [1961] 3 W.L.R. 1303. C.A. [1963] Ch. 243; [1962] 3 W.L.R. 841.

Pension. *See* METROPOLIS.

Police. *See* POLICE.

LOCAL GOVERNMENT—*continued.*

Powers

Conflicting statutory powers

Land—Power to use as public park—Power of leasing—Subordinate power to be exercised consistently with object of main power—Public Health Act, 1875, s. 164—Local Government Act, 1933, s. 164.

Blake v. Hendon Corpn., C.A. [1962] 1 Q.B. 283; [1961] 3 W.L.R. 951.

Delegation

Notices to quit—Signature of director of housing—Whether authorised—Presumption of validity—Local Government Act, 1933, s. 287B (2) (as amended by London Government Act, 1963, s. 8 (2), Sch. 4, para. 39).

Greater London Council v. Connolly, C.A. [1970] 2 Q.B. 100; [1970] 2 W.L.R. 658.

Sewage—Requirement by authority's engineer and surveyor to connect to existing sewer—Statement that plans in accordance with his requirements—Whether "requirement" by authority—Whether implied "undertaking" to pay part of cost—Local Government Act, 1933, Sch. III, Pt. V—Public Health Act, 1936, ss. 37, 38.

Princes Investments Ltd. v. Frimley and Camberley Urban District Council, Divl.Ct. [1962] 1 Q.B. 681; [1962] 2 W.L.R. 940.

Exercise

Common owned by local authority—Proposal to construct car parks—Whether "access" to land subject to rights of common to be impeded—Local Act and byelaws prohibiting driving of motor vehicles upon any "road" on common—Whether access to and passage through car park a "road"—Whether works reasonably necessary to enable public to enjoy common as open space or public walks—Test—Public Health Act, 1875, s. 164—Open Spaces Act, 1906, s. 10—Law of Property Act, 1925, s. 194—Southampton Corporation Act, 1931, s. 134.

Attorney-General v. Southampton Corpn., Foster J. (1969) 68 L.G.R. 288.

Standing orders

Not suspended by special resolution—Procedure for entering into contracts not complied with—Breach of statutory duty—Right of contractors as ratepayers to mandamus—Local Government Act, 1933, s. 266 (2).

Reg. v. Hereford Corpn., *Ex parte* **Harrower**, D.C. [1970] 1 W.L.R. 1424.

Redundancy

Compensation. *See* MASTER AND SERVANT (**Redundancy**; *Industrial tribunal*).

Registration of premises. *See* METROPOLIS.

Superannuation

Contributory employee

Employee past retirement age—Ten years local government service on appointed day—No further service until after age of 65—Subsequent re-entry to local government service as whole-time officer—Whether entitled to participate in benefits of local authority's superannuation fund—Local Government Superannuation Act, 1937, ss. 3, 7.

Exelby v. Llandudno Urban District Council, Divl.Ct. (1965) 64 L.G.R. 20.

"Employee"

Resident engineer working under direction and control of contractors—Appointment and dismissal by authority—Approval of appointment by contractors—Salary paid by authority—Whether an "employee"—Whether contract of service or for services—Local Government Superannuation Act, 1937, s. 40 (1).

Morren v. Swinton and Pendlebury Borough Council, Divl.Ct. [1965] 1 W.L.R. 576.

Transfer value

Contributory employee under non-local Act authority ceasing employment on entering compulsory whole-time national service for two-years—New employment thereafter as contributory employee under different local authority—Timeous notification of previous employment—Whether transfer value payable—"Relating to the reckoning of contributing and non-contributing service"—Local Government Superannuation Act, 1937, ss. 13, 29—Superannuation (Local Government Staffs) (National Service) Rules, 1949, rr. 2, 4 (as amended)—Local Government (Transfer Value) Regulations, 1954, reg. 4—Superannuation (Local Government Staffs) National Service (Amendment) Rules, 1954, r. 3. **Royal Leamington Spa Corpn. v. Birmingham Corpn.**, Widgery J. (1966) 65 L.G.R. 245.

LONDON. *See* METROPOLIS.

MAGISTRATES. *See* JUSTICES.

MAHOMMEDAN LAW. *See* MOHAMMEDAN LAW.

MAINTENANCE. *See* HUSBAND AND WIFE; INFANT.

MAINTENANCE OF SUIT

Assignment of cause of action

Whether effective in law

Payment by insurer—Assignment in law to insurer of cause of action for breach of contract—Whether enforceable by insurer—Common interest.
Compania Colombiana de Seguros v. Pacific Steam Navigation Co., Roskill J. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484.

Champerty. (*See also* CONTRACT (**Illegality**).)

Assignment of claim

Assignment to plaintiff in consideration of proportion of sum to be recovered—Enforcement by plaintiff dependent on litigation—Whether champertous—Whether champerty properly raised by way of defence.
Laurent v. Sale & Co., Megaw J. [1963] 1 W.L.R. 829.

Common interest

Master and servant

Defamation—Union's legal assistance to officials for libel action—Whether maintenance—Whether contrary to public policy.
Hill v. Archbold, MacKenna J. [1967] 2 Q.B. 418; [1967] 2 W.L.R. 1180.
C.A. [1968] 1 Q.B. 686; [1967] 3 W.L.R. 1218.

Ordinary commercial transaction

Advance by bank to finance suit

Aiding and abetting by solicitor. *In re* **Trepca Mines Ltd. (No. 2)**, C.A. [1963] Ch. 199; [1962] 3 W.L.R. 955.

MALAYA. (*See also* SINGAPORE.)

Administration

Court order for sale of partnership property

Made in absence of persons entitled to be heard—Order a nullity—Costs against administrator " personally " set aside—R.S.C. of Malaya, 1957, Ord. 55, r. 5 (*a*); Ord. 70.
Ganapathy Chettiar v. Periakaruppan Chettiar, P.C. [1962] 1 W.L.R. 279.

Citizenship

Intention to deprive of

Preliminary order stating statutory ground—Validity—No necessity for detailed particulars—To be furnished at subsequent statutory inquiry—Federation of Malaya Independence Order in Council, arts. 25 (1) (*a*), 27 (1) (2).
Lim v. Minister of the Interior, Malaya, P.C. [1964] 1 W.L.R. 554.

Contract

Illegality

Sale of rubber land in fraud of rubber production regulations—Action to recover land dismissed. **Palaniappa Chettiar v. Arunasalam Chettiar**, P.C. [1962] A.C. 294; [1962] 2 W.L.R. 548.

Sale of rubber to unlicensed partnership—Claim for purchase price—Member entitled to rely on own illegality—Rubber Supervision Enactment, No. 10 of 1937, ss. 5 (i) (ii), 16 (ii) (iii)—Rubber Supervision Rules (as amended to 1941), Sch. A.
Yin v. Sam, P.C. [1962] A.C. 304; [1962] 2 W.L.R. 765.

Criminal law

Corroboration

Conviction of rape—Corroboration wrongly found by trial judge, sitting alone—Miscarriage of justice—Duty of judge when convicting without corroboration—Clear indication necessary of his appreciation of risk involved.
Chiu Nang Hong v. Public Prosecutor, P.C. [1964] 1 W.L.R. 1279.

Damages

Personal injuries

Assessment of damages—Factors to be considered—Duty of appellate court—Applicability of principles of English law—Awards in comparable cases, consideration of—No rigid standardisation.
Jag Singh v. Toong Fong Omnibus Co. Ltd., P.C. [1964] 1 W.L.R. 1382.

Estoppel

Per rem judicatam

Default judgment—How far effective to estop. **Kok Hoong v. Leong Cheong Kweng Mines Ltd.**, P.C. [1964] A.C. 993; [1964] 2 W.L.R. 150.

Land

Compulsory acquisition

Compensation, assessment of—Land Acquisition Enactment, s. 29 (i) (*a*) (*c*).
Lim Foo Yong Ltd. v. Collector of Land Revenue, P.C. [1963] 1 W.L.R. 295.

MALAYA—*continued.*

Landlord and tenant

Business premises

Tenant entering into partnership—Capital of partnership to consist of "assets of the business"—Whether tenancy an asset assigned to the partnership—Landlords' claim to possession—Whether breach of condition not to assign without consent.
Gian Singh & Co. v. Nahar, P.C. [1965] 1 W.L.R. 412.

Master and servant

Contract of service

Clerk employed by municipal councillors of Kuala Lumpur—Purported dismissal by the councillors—Powers of dismissal vested in the president of the council—Claim for declaration that dismissal ultra vires and void—Declaration that employment continued—Whether dismissal wrongful—Whether damages adequate—Municipal Ordinance of the Straits Settlements, Cap. 133 (No. 8 of 1913), as applied by Municipal (Extended Application) Ordinance, 1948 (No. 3 of 1948), to the Federation of Malaya, and as amended, inter alia, by Municipal Amendments (No. 2) Ordinance, 1950 (No. 53 of 1950), s. 2. **Francis v. Kuala Lumpur Councillors,** P.C. [1962] 1 W.L.R. 1411.

Passing off

Risk of confusion

Trade marks—Retail tea trade—Plaintiff's mark having device with fish and distinctive colouring—Defendant's mark also having device with fish—Both marks registered—Defendant's packaging resembling plaintiff's—Plaintiff's tea asked for as "gold fish" or "fish brand" tea—Evidence that defendant's tea sold by retailers on request for plaintiff's—Members of public in market of illiterate class—Whether passing off.
Lee Kar Choo v. Lee Lian Choon, P.C. [1967] 1 A.C. 602; [1966] 3 W.L.R. 1175.

Police

Constitution

Power of dismissal—Whether in Commissioner of Police or in Police Service Commission—Conflict between Constitution and existing law—Constitution provisions paramount—Dismissal of inspector by Commissioner of Police void—Police Ordinance (Malaya), 1952, ss. 9 (1), 45 (1)—Constitution of the Federation of Malaya, August 31, 1957, arts. 135 (1) (2), 140 (1), 144 (1), 162 (1) (4) (6).
Kanda v. Govt. of Malaya, P.C. [1962] A.C. 322; [1962] 2 W.L.R. 1153.

Practice

Court of Appeal

Non-compliance with rule of court—Application for extension of time refused—Appeal to Privy Council—Whether Privy Council will interfere with court's discretion—R.S.C. of Malaya, 1957, Ord. 58, r. 22 (as amended by Supreme Court (Amendment) Rules, 1960, r. 5 (3)). **Ratnam v. Cumarasamy,** P.C. [1965] 1 W.L.R. 8.

Trial of civil suit

Judgment reserved—Retirement of judge before delivery of judgment—Jurisdiction of another judge to "continue" hearing of suit at request of parties—No denial of justice—Trengganu Civil Procedure Code, s. 75.
Chua Chee Chor v. Chua Kim Yong, P.C. [1962] 1 W.L.R. 1464.

Public services

Dismissal or reduction in rank

Right to be heard—Right applying only in respect of disciplinary offences—Immigration officer appointed assistant passport officer for probationary period — Thereafter eligible for confirmation in appointment—Termination of appointment during probationary year—Whether officer "dismissed or reduced in rank"—Constitution of Malaysia, Pt. X, arts. 132 (1), 135 (2) (3). **Munusamy v. Public Services Commission,** P.C. [1967] 1 A.C. 348; [1966] 3 W.L.R. 872.

Revenue

Income tax

Company—Dividends—Tax deemed to be deducted by company—Excess of tax deducted over tax payable by company—Debt due to Government—Income Tax Ordinance (Malaya), 1947 (as amended by the Income Tax (Amendment) Ordinance, 1956), s. 40 (1) (3) (4) (5) (6). **Government of Federation of Malaya v. Rimau Omnibus Co. Ltd. of Ipoh,** P.C. [1962] 1 W.L.R. 1429.

MALAYSIA

Issue of bankruptcy notice by court

Whether a proceeding in bankruptcy—Non-compliance with statute—Defect in notice which could not possibly mislead—"Formal defect or irregularity"—Courts Ordinance, 1948 (Malaya) (No. 43 of 1948), ss. 47, 110 (3), Sch. II, Part A, para. 3—Bankruptcy Ordinance, 1959 (Malaya) (No. 20 of 1959), ss. 3 (2), 131—Malaysia Act, 1963 (Federation of Malaysia) (No. 26 of 1963), ss. 73, 87, 89—Courts of Judicature Act, 1964 (Federation of Malaysia), ss. 4, 7, 23, 24 (c)—Bankruptcy Act, 1914, s. 147 (1).
Pillai v. Comptroller of Income Tax, P.C. [1970] A.C. 1125; [1970] 2 W.L.R. 1053.

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Constitution

Emergency powers

Regulation dispensing with procedural requirements—Whether constitution "written law"—Whether regulation invalid if inconsistent with Constitution—Interpretation and General Clauses Ordinance, 1948 (Ordinances of Malaysia, No. 7 of 1948), s. 2 (97)—Constitution of Malaysia, 1963, s. 8 (1), art. 150—Emergency (Essential Powers) Act, No. 30 of 1964, s. 2 (1), (4)—Emergency (Criminal Trials) Regulations, 1964, ss. 4, 5.
Osman Bin Haji Mohamed Ali v. Public Prosecutor, P.C. [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076.

Constitutional law

Proclamation of emergency

Emergency as ground for amendement of Federal Constitution and Constitution of State of Sarawak—Emergency "whereby the security or economic life of the Federation or any part thereof is threatened"—Whether proclamation in fraudem legis—Whether existence of emergency justiciable issue—Power of Federal Parliament to amend Constitution of State of Sarawak—Whether amendment ultra vires—Constitution of Malaysia, art. 150—Constitution of State of Sarawak, art. 41 (1)—Emergency (Federal Constitution and Constitution of Sarawak) Act, 1966, ss. 3, 4, 5.
Ningkan v. Government of Malaysia, P.C. [1970] A.C. 379; [1969] 2 W.L.R. 365.

Crime

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Presumption of corruption against a public servant—Burden of rebutting presumption—Same test to be applied in criminal proceedings—Evidence Ordinance, s. 3—Prevention of Corruption Act, 1961, ss. 4 (*a*), 14—Courts of Judicature Act, 1964, s. 66.
Public Prosecutor v. Yuvaraj, P.C. [1970] A.C. 913; [1970] 2 W.L.R. 226.

Internal security

Unauthorised possession of ammunition in security area—Grenade bodies lacking safety pins, detonators and safe base pins—No evidence that bodies filled with explosive—Whether "ammunition"—Internal Security Act, 1960, No. 18 of 1960 (Acts of Parliament (Malaya), 1960, p. 111).
Liew Sai Wah v. Public Prosecutor, P.C. [1969] 1 A.C. 295; [1968] 3 W.L.R. 385

Election

Petition

Service—No address left by person returned—Petition left at office of registrar within statutory period—Publication in Gazette outside period—Whether valid service—Rule requiring publication mandatory—Election Offences Ordinance (No. 9 of 1954), ss. 33, 36 (as amended), Sch. 2, rr. 10, 15—Courts of Judicature Act, 1954, s. 74.
Devan Nair v. Yong Kuan Teik, P.C. [1967] 2 A.C. 31; [1967] 2 W.L.R. 846.

False imprisonment

Arrest on suspicion

Distinction between reasonable suspicion and prima facie proof—Compensatory damages—Exemplary damages—Criminal Procedure Code, 1927 (Laws of Federated Malay States, 1934 Rev., c. 6), ss. 23 (i) (*a*), 117—Constitution of Malaysia, 1964 (as amended), art. 5, cl. 3. **Hussien v. Chong Fook Kam,** P.C. [1970] A.C. 942; [1970] 2 W.L.R. 441.

Federal Court

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Right of appeal to Privy Council—Whether appeal lies as of right.
Lopes v. Valliappa Chettiar, P.C. [1968] A.C. 887; [1968] 3 W.L.R. 92.

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Election petition—Interlocutory order—Petition struck out by election judge for invalid service—Leave to appeal on basis that order interlocutory—Jurisdiction of Federal Court to entertain appeal—Leave to appeal to Privy Council—Effect—Election Offences Ordinance (No. 9 of 1954), ss. 33, 34—Courts of Judicature Act, 1964, s. 74.
Devan Nair v. Yong Kuan Teik, P.C. [1967] 2 A.C. 31; [1967] 2 W.L.R. 846.

Evidence—Finding of fact by trial judge—Evidence amply supporting different finding—Whether Federal Court bound to reach conclusion different from that of trial judge.
Kepong Prospecting Ltd. v. Schmidt, P.C. [1968] A.C. 810; [1968] 2 W.L.R. 55.

Land valuation

Jurisdiction of appellate court by way of rehearing—Power of appellate court to draw inferences of fact and reach own conclusions—Jurisdiction to give any judgment which ought to have been given or made—Land Code of Sarawak (Laws of Sarawak, 1958, vol. IV), c. 81, ss. 59, 60 (1) (*a*), 66, 68—Courts of Judicature Act (Malaysia), 1964, s. 69 (4).
Aik Hoe & Co. Ltd. v. Superintendent of Lands and Surveys, First Division, P.C. [1969] 1 A.C. 1; [1968] 3 W.L.R. 52.

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International law

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Public Prosecutor v. Oie Hee Koi, P.C. [1968] A.C. 829; [1968] 2 W.L.R. 715.

Members of armed forces engaged in sabotage in civilian clothes—Members captured when so dressed—Whether protected as "prisoners of war"—Geneva Conventions Act, 1962 (Malaya), No. 5 of 1962, Sch. 3.

Osman Bin Haji Mohamed Ali v. Public Prosecutor, P.C. [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076.

Land

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Compensation, assessment of—"Market value"—Methods of valuation—Valuation based on comparable sales—Estimate of value of land as developed with deduction of appropriate amount for delay and contingencies—Comparison with sales at different dates of properties differing in nature and development—Whether different potentialities of development to be taken into account—Land Code (Laws of Sarawak, 1958, vol. IV), c. 81, ss. 59, 60 (1) (*a*), 66, 68.

Aik Hoe & Co. Ltd. v. Superintendent of Lands and Surveys, First Division, P.C. [1969] 1 A.C. 1; [1968] 3 W.L.R. 52.

Medical practitioner

Negligence

Failure to inquire into case history before giving penicillin injection—Test to be applied—Civilian Law Ordinance Act, 1956, Part III, s. (1) (2).

Chin Keow v. Government of Malaysia, P.C. [1967] 1 W.L.R. 813.

Mining lease

Expenditure on development

Sub-lessee entitled to exploit mineral lands—Expenditure on road as part of site development—Claim for compensation from tenor for work done for the development of the mine—Conditions necessary to be fulfilled for valid claim for compensation for work done or for thing delivered—Contract Ordinance No. 14 of 1950, s. 71.

Siow Wong Fatt v. Susur Rotan Mining Ltd., P.C. [1967] 2 A.C. 269; [1967] 3 W.L.R. 487.

Revenue

Corporation tax

Corporation's single integrated trade and business controlled and managed from Sarawak—Losses in branches in Sabah and Brunei—Whether losses in branches outside Sarawak to be set off as "loss attributable to activities in Sarawak"—Inland Revenue Ordinance 1960 (Sarawak) (No. 13 of 1960, 1966 reprint), ss. 22, 28, 29, 43.

Borneo Airways Ltd., Kuching v. Comr. of Inland Revenue, Kuching, P.C. [1970] A.C. 929; [1970] 2 W.L.R. 321.

Road traffic

Statutory duty

Accident—Absence of negligence—Latent defect causing complete failure of steering and braking systems—Alleged breach of statutory obligation—Whether any right of action enforceable by injured parties—Road Traffic Ordinance (No. 49 of 1958)—Motor Vehicles (Construction and Use) Rules, 1959, rr. 93, 94.

Tan Chye Choo v. Chong Kew Moi, P.C. [1970] 1 W.L.R. 147.

MALICIOUS PROSECUTION

Damages supporting action

Statutory offence punishable by fine

Conviction quashed on appeal—Award of costs by quarter sessions—Whether difference between costs awarded and costs incurred sufficient special damage to found action—Whether "fair fame" of person charged injured—Charge of pulling communication cord in train—Summary Jurisdiction (Appeals) Act, 1933, ss. 1, 5.

Berry v. British Transport Commission, Diplock J. [1961] 1 Q.B. 149. C.A. [1962] 1 Q.B. 306; [1961] 3 W.L.R. 450.

Malice

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Desire of defendants to recoup themselves in civil action against plaintiff—Prosecution as condition precedent to civil action—Requirement of law—Whether malice.

Abbot v. Refuge Assurance Co. Ltd., C.A. [1962] 1 Q.B. 432; [1961] 3 W.L.R. 1240.

MALICIOUS PROSECUTION—*continued.*

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Refusal of Director of Public Prosecutions to prosecute—Advice by solicitor that insufficient evidence—Advice of experienced and competent counsel to prosecute—Evidence of single telephone conversation implicating plaintiff sole evidence against plaintiff—Evidence shown to be wrong at trial—Resistance to submission of no case—Whether reasonable and probable cause. **Abbott v. Refuge Assurance Co. Ltd.**, C.A. [1962] 1 Q.B. 432; [1961] 3 W.L.R. 1240.

Honest belief in guilt

Relevance to malice—Form of question for jury—Prosecutor acting on competent advice—No duty to find whether possible defence.
Glinski v. McIver, H.L.(E.) [1962] A.C. 726; [1962] 2 W.L.R. 832.

Private prosecution

Private prosecution—Honest and reasonable information to police—Police advise offence committed—Defendant bona fide believes advice—Complete defence.
Malz v. Rosen, Diplock L.J. [1966] 1 W.L.R. 1008.

Question for jury

Honest belief—Question of honest belief in accused person's guilt not to be left to jury in absence of exceptional circumstances—Positive identification of accused by one witness—Evidence of other witnesses in favour of accused known to prosecution—Statements favourable to accused not disclosed to committing magistrates but made available to defence before trial—Whether "exceptional circumstances"—Whether duty on judge to seek help from jury on every matter of fact relevant to determination of reasonable cause. **Dallison v. Caffery**, C.A. [1965] 1 Q.B. 348; [1964] 3 W.L.R. 385.

MALTA

Constitution

Human rights

Protection of fundamental rights and freedoms of the individual—Newspaper editor—Government employees prohibited from taking newspaper into hospitals and government premises—Whether editor "hindered in . . . enjoyment of freedom and expression"—"Interference"—Whether minimal—Whether prohibition "reasonably justified in a democratic society"—"Religious profession"—Whether prohibition within rights of control of an employer and occupier of premises—Whether contravention of Constitution—Malta (Constitution) Order in Council, 1961, Part II, ss. 11 (1), 13, 14.
Olivier v. Buttigieg, P.C. [1967] 1 A.C. 115; [1966] 3 W.L.R. 310.

Crime

Necessary intent

Causing grievous bodily harm from which death ensues—Intoxication—Proof of incapacity affecting intent—Misdirections of fact—Accused denied substance of fair trial—Conviction quashed—Whether conviction for lesser offence of involuntary homicide should be substituted—Criminal Code of Malta, ss. 35 (4), 234, 239.
Broadhurst v. The Queen, P.C. [1964] A.C. 441; [1964] 2 W.L.R. 38.

MANDAMUS. *See* CROWN PRACTICE.

MARINE INSURANCE. *See* INSURANCE (Marine).

MARKET

Franchise

Market not limited by metes and bounds

Market trader's barrow on access way between stalls—Access way dedicated as highway—Market trader no licence to erect stall—Whether obstruction on thoroughfare—Metropolitan Police Act, 1839, s. 54 (6).
Brandon v. Barnes, Divl.Ct. [1966] 1 W.L.R. 1505.

Right to hold

Incorporeal hereditament

Franchise—Implied grant from Crown—Recital in private Act that inhabitants of parish entitled to hold "fair or wake" on certain lands annually—"Fair"—"Wake"—"Mart"—"Market"—Meaning—Right not exercised in living memory—Whether existence of franchise established—Whether public right enforceable only by Attorney-General—Whether right transferred to parish council by Local Government Act, 1894, s. 6 (1) (*a*)—39 Geo. 3, c. cxviii.
Wyld v. Silver, Lloyd-Jacob J. [1962] Ch. 561; [1961] 3 W.L.R. 1303.
C.A. [1963] Ch. 243; [1962] 3 W.L.R. 841.

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Tolls

Licence

Tolls payable by persons selling "meat, fish, poultry, vegetables, fruit and other provisions" in market and by persons selling "goods usually sold or exposed to sale in public markets or fairs"—Licences required by persons selling such goods outside market—Bakers selling bread and confectionery from door to door—Whether "other provisions"—Whether "goods usually sold . . . in public markets or fairs"—Whether licence required—Stalybridge Improvement Act, 1828, ss. 104, 106, Sch. 2—Stalybridge Extension and Improvement Act, 1881, s. 107.
Hy. Whittle Ltd. v. Stalybridge Corpn., Buckley J. (1967) 65 L.G.R. 344.

Nature of

Charges levied under local Act for cattle brought into market for sale—Whether franchise tolls or tolls for use of soil—Oswestry Markets and Fairs Act, 1948, s. 33, Sch. (B) (as amended by Oswestry (Corporation) Water and Markets Act, 1885, s. 24, Sch.).
Oswestry Corpn. v. Hudd, C.A. [1966] 1 W.L.R. 363.

Tollable articles

Power of corporation to "demand . . . tolls . . . (not exceeding . . . the tolls . . . specified . . .)"—Whether power to demand tolls limited to articles specified—Licence required to sell in market place articles in respect of which toll leviable—Whether offence to sell articles in respect of which no toll specified—Birmingham Corporation (Consolidation) Act, 1883, ss. 91, 106 (1) (2) (3)—Birmingham Corporation Act, 1922, Sch. 3. **Kearton v. Robinson**, Divl.Ct. (1965) 63 L.G.R. 341.

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MASTER AND SERVANT. (*See also* Negligence (**Safe system of work**); Vicarious Liability.)

Apprentice. (*See also* **Redundancy**.)

Contract of apprenticeship

Wrongful termination by master—Assessment of damages for breach.
Dunk v. George Waller & Son Ltd., C.A. [1970] 2 Q.B. 163; [1970] 2 W.L.R. 1241.

Employer's duty

Instruction and supervision—Whether higher than to employee of same age—Accident with circular saw—Effect of year's difference in age of apprentice.
Kerry v. Carter, C.A. [1969] 1 W.L.R. 1372.

Naval cadet—Cadet struck by swinging hatch board—Hatches being uncovered by inexperienced cadets—Liability of shipowner.
Warner v. Royal Mail Lines Ltd., Bridge J. [1970] 2 Lloyd's Rep. 353.

Commission

Advance of

Monthly payments advance at discretion of employers—Excess of payments over commission earned on termination of contract—Whether excess repayable—Implied term.
Bronester Ltd. v. Priddle, C.A. [1961] 1 W.L.R. 1294.

Common employment. *See* Negligence.

Confidential information. (*See also* Patent.)

Implied term not to disclose

Extent of obligation—Misconduct by employer—Whether in public interest to disclose to press—Alleged liaison by laundries to keep up prices—Defence alleging conduct contrary to public policy—Allegation that conduct illegal—Whether defence should be struck out—Restrictive Trade Practices Act, 1956, ss. 6, 9.
Initial Services Ltd. v. Putterill, C.A. [1968] 1 Q.B. 396; [1967] 3 W.L.R. 1032.

Injunction

Breach—Not inferred in committal proceedings.
P. A. Thomas & Co. v. Mould, O'Connor J. [1968] 2 Q.B. 913; [1968] 2 W.L.R. 737.

Contract of service. (*See also* Vicarious Liability; Revenue (**Income tax**; *Employment.*)

Dock workers. *See* Dock.

Duration

Manageress of café—Occupation of flat above—Written contract silent on duration—General hiring—Whether presumption of hiring for a year—Reasonable notice.
Richardson v. Koefod, C.A. [1969] 1 W.L.R. 1812.

Employment

Contractor acting as agent for National Coal Board—Workman's contract of service with board—Payment of wages and giving of statutory notice of terms of employment by contractor—Prejudice to workman by relying on contractor's representation as to employer—Whether contractor estopped from denying himself to be workman's employer—Workman's entitlement to redundancy payment.
Smith v. Blandford Gee Cementation Co. Ltd., D.C. [1970] 3 All E.R. 154; 8 K.I.R. 1107.

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Contract of service—*continued.*

Implied term

Absence of condition requiring servant's membership of trade union—Whether implied term that strike notice of proper length lawful—Whether trade union official's strike notice unless workman rejoins union lawful.
Morgan v. Fry, Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.
C.A. [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506.

Advance of commission—Whether repayable if not earned on termination of contract.
Bronester Ltd. v. Priddle, C.A. [1961] 1 W.L.R. 1294.

Implied term

Post Office withdrawing recognition from employees' trade union—Whether implied term of contract that Post Office would continue to recognise trade union—Whether new contract of service resulting from reorganisation of Post Office binding Post Office to recognise union—Whether breach of statutory duty—Post Office Act, 1969, Sch. 1, para. 11 (1).
Gallagher v. Post Office, Brightman J. [1970] 3 All E.R. 712; 9 K.I.R. 78.

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Agreement by one with another to provide services to a third—Whether contract of service or contract sui generis.
Construction Industry Training Board v. Labour Force Ltd., D.C. [1970] 3 All E.R. 220.

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Civil aviation pilot—Criticisms by employers—Whether they were in fundamental breach of contract. **Donovan v. Invicta Airways Ltd.,** Wrangham J. [1969] 2 Lloyd's Rep. 413.
C.A. [1970] 1 Lloyd's Rep. 486.

Issue of writ for wages—Whether inconsistent with continuance of contract of service—Claim by ship's crew. **The Fairport,** Cairns J. [1967] P. 167 [1966] 3 W.L.R. 426.

Service of, or for services

Boilermaker in ship-repairing industry—Contract of employment incorporating terms of working rules agreed between boilermaker's union and employers' association—Working rules terminated by employers' giving notice to union—Refusal to employ boilermaker except on new working conditions—Whether notice of dismissal.
Morris v. C. H. Bailey Ltd., C.A. [1969] 2 Lloyd's Rep. 215; 7 K.I.R. 75.

Gangs of workmen retained under "labour only" subcontractors.
In re **C. W. & A. L. Hughes Ltd.,** Plowman J. [1966] 1 W.L.R. 1369.

Market research interviewer—Part-time services—Series of contracts—Company controlling conduct of interviews—Interviewer free to work at time of choice—Freedom to work for others—Whether performing services as person in business on own account—Whether extent of control consistent with contract of service—Whether nature of whole contract consistent with contract of service—Considerations—Whether interviewers "employed person"—National Insurance Act, 1946—National Insurance Act, 1965, s. 1 (2).
Market Investigations Ltd. v. Minister of Social Security.
Cooke J. [1969] 2 Q.B. 173; [1969] 2 W.L.R. 1.

Owner-driver—Payment on mileage basis—Provision of exclusive use of vehicle for company's deliveries—Vehicle to be driven by owner—Power to hire competent driver with company's consent—Vehicle and driver to wear company's livery—Company's rules to be complied with—Freedom of owner in performance of obligations—Whether sufficient control to create master and servant relationship—Whether contractual terms inconsistent with contract of service—Relevance of ownership of assets and bearing of financial risk—Declaration that owner-driver independent contractor—Whether conclusive—Whether "employed person"—Whether independent contractor—National Insurance Act, 1965, ss. 1 (2), 3 (*b*).
Ready Mixed Concrete (South East) Ltd. v. Minister of Pensions and National Insurance, MacKenna J. [1968] 2 Q.B. 497; [1968] 2 W.L.R. 775.

Part-time teacher—Whether "self-employed person"—National Insurance Act, 1965, s. 1 (2). **Argent v. Minister of Social Security,** Roskill J. [1968] 1 W.L.R. 1749.

Resident engineer—Appointment by local authority of engineer—Appointment approved by consultant engineers—Work under direction and control of consultant engineers—Authority's right to dismiss—Salary paid by authority—Whether employed by authority under contract of service or for services—Whether an "employee"—Local Government Superannuation Act, 1937, s. 40 (1).
Morren v. Swinton and Pendlebury Borough Council, Divl.Ct. [1965] 1 W.L.R. 576.

Sales representative—Contract to sell company's typewriters—Declaration that sales representative self employed—Commission not salary paid—No expenses paid—Compliance with company's directions—Whether contract of service or for services—Whether sales representative "self employed" person—Whether insurable employment—National Insurance Act, 1946, s. 1 (2) (*b*)—National Insurance Act, 1965, s. 1 (2) (*b*)—National Insurance (Industrial Injuries) Act, 1946, s. 11, Sch. 1—National Insurance (Industrial Injuries) Act, 1965, s. 1, Sch. 1.
Willy Scheidegger Swiss Typewriting School (London) Ltd. v. Minister of Social Security, Megaw J. (1968) 5 K.I.R. 65.

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Contract of **service**—*continued.*

Service of, or for services—continued.

Self-employed workman agreeing to work for timberman—Intention that self-employed status retained—Workman paid on daily basis and buying own insurance stamps—Experienced in timber trade—Direction what work to do but not how it should be done—Whether owed a duty to provide safe system of work—Extent of duty.
Inglefield v. Macey, Ashworth J. (1967) 2 K.I.R. 146.

Trade union sick steward—Duties laid down in detail by union rules—Union having no express right to control manner in which duties carried out—Whether "insurable employment"—National Insurance (Industrial Injuries) Act, 1946, s. 1, Sch. 1, Pt. I, 1.
Amalgamated Engineering Union v. Minister of Pensions and National Insurance, Megaw J. [1963] 1 W.L.R. 441.

Trapeze artiste—Contract with circus to perform act and other duties—Whether "insurable employment"—National Insurance (Industrial Injuries) Act, 1946, s. 1, Sch. 1, Pt. I, 1. **Whittaker v. Minister of Pensions and National Insurance,** Mocatta J. [1967] 1 Q.B. 156; [1966] 3 W.L.R. 1090.

Strike

Strike notice—Whether strike with or without notice breach of contract of service—Whether notice of proper length lawful.
Morgan v. Fry, Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.
C.A. [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506.

Termination

Effect of sale of company on employees' service contracts—Whether terminated—Effect on employees' entitlement to pension benefits.
In re **Foster Clark Ltd.'s Indenture Trusts,** Plowman J. [1966] 1 W.L.R. 125.

Employer unable to retain employee in position of foreman—Offer of employment at reduced wage and status—Employee continuing to work at reduced wage—Whether original contract of employment terminated by employer or mere consensual variation—Question of fact or degree.
Marriott v. Oxford and District Co-operative Society Ltd. (No. 2), D.C. [1969] 1 W.L.R. 254.

Receiver, by—Appointment of receiver as agent of the company—Termination by receiver of contract followed by re-employment on same terms—Termination of new contract—Whether "period of continuous employment"—Length of notice required—Whether receiver personally liable for wrongful dismissal—Companies Act, 1948, s. 369 (2)—Contracts of Employment Act, 1963, s. 1 (1), Sch. 1.
In re **Mack Trucks (Britain) Ltd.,** Pennycuick J. [1967] 1 W.L.R. 780.

Crown. *See* Crown.

Employment of servant of another

Hire of plant

Mechanical excavator and driver—Substitution of third party's excavator and driver—Instructions to driver by hirer—Negligence of driver—Whether driver servant of hirer—"Course of employment"—Whether third party liable for driver's negligence.
County Plant Hire Ltd. v. Jackson (Lane Bros. (Builders) Ltd. Third Party), C.A. (1970) 8 K.I.R. 989.

Liability to servant

Contractor's employment of sub-contractors for specialist blasting work—Skilled man sent to site—Relationship of parties—Contractors' duty to specialist—Occupiers' Liability Act, 1957, s. 2 (1) (2). **Savory v. Holland & Hannen & Cubitts (Southern) Ltd.,** C.A. [1964] 1 W.L.R. 1158.

Volunteer—Employer's duty of care to own servant—Whether duty extends to one who helps servant.
Baxter v. Central Electricity Generating Board, Ashworth J. [1965] 1 W.L.R. 200.

Fiduciary duty

Assistant solicitor

Secret agreement with client to practise on own account—Client to transfer legal work—Agreement initiated by client—Whether breach of duty of good faith and fidelity.
Sanders v. Parry, Havers J. [1967] 1 W.L.R. 753.

Income tax. *See* Revenue.

Maintenance of suit

Defamation action

Trade union's paid officials—Circular to union members containing allegations that officials unfit to be employed by union—Legal assistance to officials for libel action out of union funds—Whether maintenance for costs to be paid out of union funds—No express power in union rules—Whether fairly ancillary to work of servants and business of union—Express provision for payment of legal assistance confined to subscribing members—Reasonable for good employer to support litigation—Whether implied power to support officials' litigation.
Hill v. Archbold, MacKenna J. [1967] 2 Q.B. 418; [1967] 2 W.L.R. 1180.
C.A. [1968] 1 Q.B. 686; [1967] 3 W.L.R. 1218.

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Negligence. *See* NEGLIGENCE (**Safe system of work**); VICARIOUS LIABILITY.

Patent. *See* PATENT.

Pay

Statutory restriction

Agreement to increase wages—Increase not paid before standstill—" Rate of remuneration paid "—Whether remuneration actually paid—Whether remuneration contracted to be paid—" Rate "—" Paid "—" Same kind of work "—Ambiguity in statute—Prices and Incomes Act, 1966, ss. 28 (2), 29 (4)—Temporary Restrictions on Pay Increases (July 20, 1966, Levels) (No. 1) Order, 1966, art. 2—Temporary Restrictions on Pay Increases (No. 2) Order, 1966, art. 2. **Allen v. Thorn Electrical Industries Ltd.,** C.A. [1968] 1 Q.B. 487; [1967] 3 W.L.R. 858.

Pension scheme

Construction

Receiver's sale of employer's business—Effect on employee's service contracts—Whether terminated—Whether entitled to pension benefits.
In re **Foster Clark Ltd.'s Indenture Trusts,** Plowman J. [1966] 1 W.L.R. 125.

Redundancy

Apprenticeship

Continuous employment—Apprenticeship deed for five-year period—Apprentices transferred to different masters under terms of deed—Dismissal for redundancy after completion of apprenticeship—" Requisite period " not served with any master—Whether apprentices " continuously employed "—Whether entitled to redundancy payment—Redundancy Payments Act, 1965, ss. 1 (1), 8 (1) (2)—Contracts of Employment Act, 1963, Sch. 1, para. 10 (1). **Lee v. Barry High Ltd.,** C.A. [1970] 1 W.L.R. 1549.

" Change . . . in the ownership of a business "

Farmworker—Continuous employment—Change of employer—Sale of farm land and buildings by farmer—Part only of stock bought by same purchaser—Whether " change . . . in . . . ownership "—Farm employee employed by purchaser—Whether deemed to be dismissed—Nature of " business " of farming—Redundancy Payments Act, 1965, ss. 3 (2), 13 (1) (2). **Lloyd v. Brassey,** D.C. [1968] 2 Q.B. 832; [1968] 3 W.L.R. 526.
C.A. [1969] 2 Q.B. 98; [1969] 2 W.L.R. 310.

Tenant farmer employer terminating lease—Employee served with notice terminating employment—Offer of employment to employee by new tenant farmer—Refusal by employee—Whether " change . . . in . . . ownership of . . . business "—Whether employee dismissed by reason of redundancy—Redundancy Payments Act, 1965, ss. 2 (3), 13 (1) (3). **Bandey v. Penn,** Divl.Ct. [1968] 1 W.L.R. 670.

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Dallow Industrial Properties Ltd. v. Else, Divl.Ct. [1967] 2 Q.B. 449; [1967] 2 W.L.R. 1352.

———————National trade union agreement providing for employment by any electricity board to be treated as continuous—Employee transferred from one board to another—Whether continuity of employment broken—" Company "—" Associated company "—" Absent from work "—Whether denoting temporary absence—Employer lending employee to another for short time with intention and understanding of return to employment with original employer—Companies Act, 1948, s. 154—Contracts of Employment Act, 1963, Sch. 1, paras. 5 (1) (*c*), 10, 10A (1) (2)—Redundancy Payments Act, 1965, s. 48 (4) (5).
Southern Electricity Board v. Collins, D.C. [1970] 1 Q.B. 83; [1969] 3 W.L.R. 147.

" Dismissal "

Boilermaker dismissed after refusing to work on new terms of employment—Whether dismissal due to redundancy—Redundancy Payments Act, 1965, s. 1 (2).
Dutton v. C. H. Bailey Ltd., D.C. [1968] 2 Lloyd's Rep. 122.

Calculation of payment—National agreement providing for 41 hour working week in road haulage business—Local agreement providing for 68 hour working week for shunters—Whether basis of calculation of redundancy payments 41 or 68 hour week—Evidence whether employees drivers or shunters—Evidence that local agreement contractually binding—Evidence later admitted that local agreement not intended to be contractually binding — Whether later evidence on local agreement wrongly admitted — Whether National agreement varied by local agreement—Contracts of Employment Act, 1963, Sch. 2, para. 1 (1) (2)—Redundancy Payments Act, 1965, s. 1 (1), Sch. 1, para. 5 (1)—Wages Regulation (Road Haulage) Order, 1966.
Loman v. Merseyside Transport Services Ltd., Divl.Ct. (1967) 3 K.I.R. 726.

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C.A. [1970] 1 Q.B. 186; [1969] 3 W.L.R. 984.

Employee loaned to another firm—Employee's insurance and tax documents transferred to other firm without his knowledge—Employee paid by other firm—Whether " dismissal "—Whether employee entitled to terminate contract " by reason of the employer's conduct "—Whether question of law—Redundancy Payments Act, 1965, ss. 1, 3 (1) (*c*). **Duckworth v. P. F. Farnish & Co. Ltd.,** C.A. (1969) 7 K.I.R. 281.

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Employers' offer of employment at reduced wages—Whether sufficient " offer in writing " or renewal or re-engagement—Employee commencing work at reduced wage—Whether a dismissal—Whether employee entitled to redundancy payment—Redundancy Payments Act, 1965, s. 3. **Marriott v. Oxford & District Co-operative Society Ltd.,** Divl.Ct. (1967) 3 K.I.R. 620.

" Offer of suitable employment "—Chargehand shipwright offered employment as shipwright at another dockyard—Whether contract substantially equivalent to terminated contract—Whether " suitable employment "—Question of fact and degree for tribunal—Redundancy Payments Act, 1965, s. 2 (4).
Collier v. Smiths Dock Co. Ltd., D.C. (1969) 7 K.I.R. 30; [1969] 2 Lloyd's Rep. 222.

——————Offer at certain grade made in writing—Employer's refusal to guarantee in writing nature of work within grade—Whether " particulars specified in . . . offer "—Whether refusal of offer of employment " unreasonable "—Redundancy Payments Act, 1965, s. 2 (4).
National Coal Board v. Williams, D.C. (1969) 8 K.I.R. 869.

Offer to renew contract—Experienced headmaster dismissed by reason of redundancy—Employer's offer of employment at same salary in mobile pool of teachers—Whether offer of " suitable employment "—Whether offer " unreasonably refused "—Redundancy Payments Act, 1965, ss. 1 (2) (*a*), 2 (4).
Taylor v. Kent County Council, D.C. [1969] 2 Q.B. 560; [1969] 3 W.L.R. 156.

" Place where the employee was so employed "—Employers' work in one county terminated—Offer of alternative employment elsewhere—Transfer clause in working rules agreement—Refusal by employee of alternative employment—Whether " dismissed " —Whether entitled to redundancy payment—Redundancy Payments Act, 1965, ss. 1, 3 (1). **R. H. McCulloch Ltd. v. Moore,** Divl.Ct. [1968] 1 Q.B. 360; [1967] 2 W.L.R. 1366.

Renewal of contract or re-engagement—Change in ownership of business—Circular stating that employees would remain in employment of business—Subsequent notice from new owners setting out terms of employment—Whether circular sufficient " offer in writing " —Whether employee entitled to redundancy payment—Redundancy Payments Act, 1965, ss. 3, 13. **Havenhand v. Thomas Black Ltd.,** D.C. [1968] 1 W.L.R. 1241.

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Diminishing work—Employees dismissed after refusal of request to work less hours—Terms of contract of employment—Process Trade Agreement—Whether forming part of terms of employment—Whether dismissal for misconduct—Whether because business diminished—Decision of industrial tribunal—Whether sufficient statement of reasons—Redundancy Payments Act, 1965, ss. 5 (2), 25 (3).
Hanson v. Wood, D.C. (1967) 4 K.I.R. 231.

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New methods introduced after takeover of garage business—Workshop manager unable to adapt to new methods and standards required—New workshop manager engaged after dismissal—New manager's duties not identical—Whether dismissal by reason of " redundancy "—Relevance of allocation of duties between individuals—Redundancy Payments Act, 1965, ss. 1, 9 (2). **North Riding Garages Ltd. v. Butterwick,** Divl.Ct. [1967] 2 Q.B. 56; [1967] 2 W.L.R. 571.

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Dismissal for personal deficiencies—continued.

Onus on employer to rebut presumption of dismissal for redundancy—How discharged?—Skilled woodworker dismissed some time after change over from wood to fibreglass parts of boat-building business—Dismissed employee not replaced—Claim for redundancy payment—Employers' stated reason for dismissal that employee was too good and therefore too slow to be profitably retained—Tribunal accepting employers' opinion as genuine reason for dismissal and finding that requirements for woodworkers not diminished nor expected to diminish at date of dismissal—Claim for redundancy payments refused—Whether onus on employer to prove dismissal not by reason of redundancy discharged?—Policy of Act—Redundancy Payments Act, 1965, ss. 1 (2) (*b*), 2 (2), 8 (2) (*b*), 10.
Hindle v. Percival Boats Ltd., C.A. [1969] 1 W.L.R. 174.

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Dismissal—" Work of a particular kind at the place where . . . so employed "—Complex of factories—Employer's contractual right to transfer employees to other jobs—Closure of particular plant and erection of new plant using fewer employees—Unavailability of work at closed plant to employee after 10 years—Process worker—No redundancy of process workers at same factory complex—Employee's refusal of transfer to any job offered to him—Whether subsequent dismissal " by reason of redundancy "—Redundancy Payments Act, 1965, s. 1 (1) (*a*) (2) (*b*).
Briggs v. Imperial Chemical Industries Ltd. Foster v. Same, D.C. (1968) 5 K.I.R. 492.

Dismissal of barmaid because younger staff required—Whether dismissed " by reason of redundancy "—Redundancy Payments Act, 1965, ss. 1 (2) (*b*), 9 (1) (2) (*b*).
Vaux and Associated Breweries Ltd. v. Ward, D.C. (1969) 7 K.I.R. 308.

Employees working and living in Liverpool—Employers operating nation-wide contract electricity business—Business divided into large areas—Work in Liverpool falling off—Employees required to work away from home within area of operations controlled from Liverpool office—Dismissal of employees refusing to work away from home area—Industrial tribunal's finding of implied term in contract of employment that employees could be required to work anywhere within area controlled from local office—Whether finding of fact or question of law—No evidence to support—Whether court entitled to review—Whether dismissals " by reason of redundancy "—" Place where . . . employed "—Redundancy Payments Act, 1965, ss. 1, 9.
O'Brien v. Associated Fire Alarms Ltd., C.A. (1968) 4 K.I.R. 223.

Illness of employee—Arrangement between unions and employers—Employers to endeavour to find work when employees fit—No work for employee on return—Whether " dismissed "—No evidence by employers—Whether dismissal by reason of redundancy—Redundancy Payments Act, 1965, ss. 3 (1) (*a*), 9 (2) (*b*).
O'Reilly v. Hotpoint Ltd., D.C. (1969) 7 K.I.R. 374.

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Charles v. Spiralynx Ltd., D.C. (1969) 6 K.I.R. 499.

Ship's master—Period of employment—Whether master's contract of employment terminated by employers—Whether it was on ground of redundancy—Whether a trade or business had been transferred to employers—Contracts of Employment Act, 1963, Sch. 1, para. 10 (2)—Redundancy Payments Act, 1965.
Watts, Watts & Co. Ltd. v. Steeley, D.C. [1968] 2 Lloyd's Rep. 179.

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Myrddin-Baker v. Teesside Corpn., D.C. [1970] 1 W.L.R. 511.

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————Hearing in absence of claimant—Tribunal's knowledge that claimant unable to attend—No application for adjournment—Whether continuation of hearing a wrongful exercise of discretion—Whether point of law subject to appeal—Industrial Tribunals (Redundancy Payments) Regulations, 1967, Sch., r. 8 (3).
Priddle v. Fisher & Sons, D.C. [1968] 1 W.L.R. 1478.

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S. & U. Stores Ltd. v. Lee, D.C. [1969] 1 W.L.R. 626.

————Working rule agreements of industry providing for 40 hour normal working week—Site agreement providing for 51 hour normal working week—Whether basis of calculation of redundancy payments 40 or 51 hour week—Redundancy Payments Act, 1965, s. 1, Sch. 1, para. 5—Contracts of Employment Act, 1963, Sch. 2, para. 1. **Turriff Construction Ltd. v. Bryant,** Divl.Ct. (1967) 2 K.I.R. 659.

"Temporary cessation of work"—Dismissal during work shortage—Re-employment soon after—Whether period of qualifying service broken—Contracts of Employment Act, 1963, Sch. 1, para. 5 (1) (*b*)—Redundancy Payments Act, 1965, s. 1 (1), Sch. 1, para. 1 (1). **Fitzgerald v. Hall, Russell & Co. Ltd.,**
H.L.(Sc.) [1970] A.C. 984; [1969] 3 W.L.R. 868.

Practice

Service of notices—Documents sent to employing company at address specified by employee in originating application—Address not registered or principal office of corporation—Letter returned undelivered to Secretary of Tribunals—Hearing by industrial tribunal in absence of employers—Whether sufficient service—Whether hearing a nullity—Industrial Tribunals (Redundancy Payments) (England and Wales) Regulations, 1965, Sch., rr. 2, 13 (1) (*c*). **Reg. v. Industrial Tribunal,** *Ex parte* **George Green & Thomson Ltd.,** Divl.Ct. (1967) 2 K.I.R. 259.

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Calculation—"Normal working hours"—National agreement based on shifts for five-day week—Local arrangements to be negotiated for additional shifts—Mineworker employed for 20 years as continuous shiftman on seven-day week—Whether presumption that additional shifts arrangement made—Continuity of operations ceasing—Employee working and paid for five-day week—Whether consensual variation of contract of employment to be inferred—Contracts of Employment Act, 1963, Sch. 2, para. 1—Redundancy Payments Act, 1965, s. 1 (1), Sch. 1, paras. 2, 5.
Saxton v. National Coal Board, D.C. (1970) 8 K.I.R. 893.

————Normal working week—Contract fixing minimum number of hours—Shift work of varying length—Variable hours of overtime—Whether "normal working hours"—Redundancy Payments Act, 1965, Sch. 1, para. 5—Contracts of Employment Act, 1963, Sch. 2, para. 1 (1) (2).
Minister of Labour v. Country Bake Ltd., D.C. (1968) 5 K.I.R. 332.

————"Normal working week"—"Normal working hours"—Variable hours of overtime—Whether to be taken into account—Whether overtime compulsory—Redundancy Payments Act, 1965, Sch. 1, para. 5—Contracts of Employment Act, 1963, Sch. 2, paras. 1 (1) and 3 (1). **Pearson v. William Jones Ltd.,** Divl.Ct. [1967] 1 W.L.R. 1140.

————"Temporary cessation of work"—Trade custom that employees dismissed during recession and re-engaged when work available—Ship repairing industry—"Cessation of work"—Whether work of employee or undertaking of employer—"Temporary"—Whether to be considered as at dismissal or re-engagement—Relevance of intention at time of dismissal—Redundancy Payments Act, 1965, Sch. 1, para. 1—Contracts of Employment Act, 1963, Sch. 1, paras. 2, 5 (1) (*b*) (*c*).
Hunter v. Smith's Dock Co. Ltd., D.C. [1968] 1 W.L.R. 1865.

————Whether "trade or business . . . transferred from one person to another"—Sale of original employers' factory premises and fittings—Undertakings by them to carry on business until completion and thereafter not to compete with new employers—No assignment of goodwill—Whether employees "continuously employed"—Contracts of Employment Act, 1963, Sch. 1, para. 10 (2)—Redundancy Payments Act, 1965, s. 1, Sch. 1. **Kenmir Ltd. v. Frizzell,** Divl.Ct. [1968] 1 W.L.R. 329.

Renewal of contract—Employees served with notice—Subsequent request by employer to stay on to finish a job—Refusal by employee having new employment—Offer accepted by other employees for short time—Whether "offer to renew" contract—Whether unreasonable refusal—Whether "contract of employment renewed"—Redundancy Payments Act, 1965, ss. 2 (3), 3 (2), 56 (1).
Kitching v. Ward, Divl.Ct. (1967) 3 K.I.R. 322.

"Temporary cessation of work"—Dry dock workers—Employment by other employers during periods when laid off—Whether absent on account of temporary cessation of work—Contracts of Employment Act, 1963, Sch. 1, para. 5 (1) (*b*)—Redundancy Payments Act, 1965, Sch. 1, para. 1.
Thompson v. Bristol Channel Ship Repairers and Engineers Ltd.,
D.C. [1969] 1 Lloyd's Rep. 407; 6 K.I.R. 510.
C.A. [1970] 1 Lloyd's Rep. 105; 8 K.I.R. 687.

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G. D. Ault (Isle of Wight) Ltd. v. Gregory, Divl.Ct. (1967) 3 K.I.R. 590.

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Employers operating nation-wide business divided into large areas—Work ceasing in one conurbation—Employees dismissed after refusal to work at place within local office area involving living away from homes—Claim for redundancy payments—No evidence of contractual term requiring employees to be mobile—Tribunal inferring implied term from nature of employers' business—Redundancy payments refused—Error of law by tribunal in implying term without supporting evidence—Court entitled to review tribunal's finding of implied term—Redundancy Payments Act, 1965, ss. 1 (2), 2 (2), 9 (2) (*b*).
O'Brien v. Associated Fire Alarms Ltd., C.A. [1968] 1 W.L.R. 1916.

Residence on premises for operation of emergency service—Motor fitter working in garage—Vacant possession of premises required by employer—Offer to re-employ as non-resident fitter—Whether business for which employee employed ceased—Whether requirements for work of a particular kind ceased—Whether dismissal by reason of redundancy—Redundancy Payments Act, 1965, s. 1.
Arnold v. Thomas Harrington Ltd., Divl.Ct. [1969] 1 Q.B. 312; [1967] 3 W.L.R. 852.

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Vidyodaya University Council v. Silva, P.C. [1965] 1 W.L.R. 77.

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Cranleigh Precision Engineering Ltd. v. Bryant, Roskill J. [1965] 1 W.L.R. 1293.

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Gardener—Contract providing for three months' notice by employer—Deterioration in work and insolent behaviour—Whether final remark repudiatory of contract—Wilful disobedience to reasonable and lawful order—Whether summary dismissal justified.
Pepper v. Webb, C.A. [1969] 1 W.L.R. 514.

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Denmark Productions Ltd. v. Boscobel Productions Ltd.,
C.A. [1969] 1 Q.B. 699; [1968] 3 W.L.R. 841.

Declaration—Clerk employed by municipal councillors—Dismissal by—Ordinance providing for dismissal by president—De facto termination of employment by councillors—Claim for declaration of right to continue employment—Declaratory relief inappropriate.
Francis v. Kuala Lumpur Councillors, P.C. [1962] 1 W.L.R. 1411.

Harbour-master

Chief officer of department—Whether deprived of right of appeal—Scheme of Conditions of Service of the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services. **Graves v. Whitby Urban District Council,**
C.A. [1970] 1 Lloyd's Rep. 517; 68 L.G.R. 688.

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Manager's borrowing of money from till—Knowledge that employer would not approve of borrowing—Money repaid into till on following day—Summary dismissal of manager —**Whether justified.**
Sinclair v. Neighbour, C.A. [1967] 2 Q.B. 279; [1967] 2 W.L.R. 1.

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Passport issued in name of Crown

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Reg. v. Secretary of State for Home Department, *Ex parte* **Bhurosah,** Divl.Ct. and C.A. [1968] 1 Q.B. 266; [1967] 3 W.L.R. 1259.

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Choppy v. Bibi, P.C. [1967] 1 A.C. 158; [1966] 2 W.L.R. 711.

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De Gregory v. General Medical Council, P.C. [1961] A.C. 957; [1961] 3 W.L.R. 645.

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Patient's property—Application for settlement by patient's illegitimate son—Whether a member of patient's family—Whether person for whom patient might have been expected to provide—Mental Health Act, 1959, ss. 102, 103.
In re **T. B.,** Ungoed-Thomas J. [1967] Ch. 247; [1967] 2 W.L.R. 15.

————————Patient's desire to make gift to hospital where residing—Test of validity—Whether gift patient might be expected to make if mental disorder ceased—Mental Health Act, 1959, s. 103 (1) (*d*).
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————————Proposed purchase of annuity, part to be used for insurance policies to benefit collateral relatives—Whether "family" of patient—Whether persons for whom patient might be expected to provide if not mentally disordered—No motives of need or affection—Mental Health Act, 1959, s. 102 (1).
In re **D. M. L.,** Cross J. [1965] Ch. 1133; [1965] 3 W.L.R. 740.

————————Settlement by direction of the court—Persons for whom patient might be expected to provide if not mentally disordered—Assumptions to be made—Collateral relatives and stranger in blood—Whether "family" of patient—Irrevocable settlement for avoidance of death duties—Whether court will direct—Mental Health Act, 1959, ss. 102, 103. *In re* **L. (W. J. G.),** Cross J. [1966] Ch. 135; [1966] 2 W.L.R. 233.

Settlement on patient

Variation to avoid tax and aid poor relatives—Patient aged 48—Need for power of revocation for 15 years—No mansion house settled—Primogeniture inapt.
In re **R. H. C.,** Cross J. [1963] 1 W.L.R. 1095.

Trusts

Proceedings under Variation of Trusts Act, 1958—Costs.
In re **Sanderson's Settlement Trusts,** Pennycuick J. [1961] 1 W.L.R. 36.

————————————————Protected life interest of patient—Whether receiver to be directed to assent to variation—Whether for Court of Protection to assent—No element of financial advantage to patient—Whether for patient's benefit—Variation of Trusts Act, 1958, s. 1 (1) (3)—Mental Health Act, 1959, ss. 102 (1) (*a*), 103. *In re* **C. L.,** Cross J. [1969] 1 Ch. 587; [1968] 2 W.L.R. 1275.

Hospital order, as sentence. *See* CRIME.

Residential home for mentally disordered persons

Conditions specified

Registered subject to conditions specified in the certificate—Society carrying on home wishing to appeal against specified conditions—Whether jurisdiction in justices to hear complaint—Power of court to control local authority seeking to impose arbitrary or unreasonable conditions—National Assistance Act, 1948, ss. 37, 38 (4)—Mental Health Act, 1959, ss. 19, 20 (1).
Retarded Children's Aid Society Ltd. v. Barnet London Borough Council, D.C. [1969] 2 Q.B. 22; [1969] 2 W.L.R. 65.

Test of

"Unsoundness of mind"

Statutes of Limitation. **Kirby v. Leather,** C.A. [1965] 2 Q.B. 367; [1965] 2 W.L.R. 1318.

MERCANTILE AGENT. *See* AGENCY.

MERCHANDISE MARKS

False trade description

Persons liable

Coke—False description of weight of goods sold stated in weight tickets—Coke delivered by driver and mate—Tickets handed over by driver's mate—Tickets made out by employers—Informations against employees as actual offenders—Whether false trade description "applied" by driver's mate—Whether goods "sold" with false trade description attached by driver—Merchandise Marks Act, 1887, ss. 2 (1) (2), 5 (1) (as amended by Merchandise Marks Act, 1953).
Preston v. Albuery, Divl.Ct. [1964] 2 Q.B. 796; [1964] 2 W.L.R. 218.

MERCHANDISE MARKS—*continued.*

False trade description—*continued.*

Persons liable—continued.

Manufacturer marking goods sold to retailer—Retailer selling goods marked with false trade description—" Applies any false . . . description to goods "—" Causes " false trade description to be applied—Whether manufacturer causing retailer to apply false trade description—Merchandise Marks Act, 1887, ss. 2 (1) (*d*) (*f*) (2), 5.
Shulton (Great Britain) Ltd. v. Slough Borough Council, Divl.Ct. [1967] 2 Q.B. 471; [1967] 2 W.L.R. 1289.

" Possession for sale "

Frozen chickens—Weighing less than marked weight—Stored in cold store under agreement giving cold store company general lien for storage charges due—Available to owners on demand — Whether in owners' possession — " Possession " — Meaning — " Possession for sale or any purpose of trade "—Whether mutually exclusive—Merchandise Marks Act, 1887, s. 2 (as amended by Merchandise Marks Act, 1953, s. 4).
Towers & Co. Ltd. v. Gray, Divl.Ct. [1961] 2 Q.B. 351; [1961] 2 W.L.R. 553.

" Rolled gold "

Cuff links—Outer surfaces only of rolled gold, other parts base metal—Whether description unequivocally false—When trade practice can be invoked—Merchandise Marks Act, 1887, ss. 2 (2), 3 (as amended by Merchandise Marks Act, 1953, ss. 1 (2), 4).
Kingston-upon-Thames Royal London Borough Council v. F. W. Woolworth & Co. Ltd., Divl.Ct. [1968] 1 Q.B. 802; [1968] 2 W.L.R. 223.

Indication of origin

Imported goods assembled abroad

Umbrellas made in Hong Kong—Ribs and tubes made of iron or steel wire—Whether umbrellas " any goods "—Whether ribs and tubes must bear indication of origin—Merchandise Marks Act, 1926, s. 5 (3)—Merchandise Marks (Imported Goods) Order, No. 10, 1933. **Littlewoods Mail Order Stores Ltd. v. Storey,** Divl.Ct. [1962] 2 Q.B. 286; [1962] 3 W.L.R. 436.

Trade description. *See* SALE OF GOODS.

MERCHANT SHIPPING. *See* SHIPPING.

MERGER. *See* SETTLED LAND.

METROPOLIS

Building. *See* BUILDING.

Compulsory purchase. *See* COMPULSORY PURCHASE.

Fire. *See* FIRE.

Greater London

Transfer of functions

Liabilities — Children's home — London County Council home transferred to children's authority—Child injured in home while in care of London County Council—Whether liability in respect of claim for damages for personal injuries transferred—" All liabilities attaching to such council in respect of such property "—Children Act, 1948, ss. 1, 47, 84 (1) (2)—London Authorities (Property, etc.) Order, 1964.
Duncan v. Lambeth London Borough Council, Donaldson J. [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88.

Hackney carriage

Advertisement

Cab—Advertisement including word " cab "—Vehicle indicated for hiring not licensed cab—Whether advertisement making clear to potential hirers that cab not licensed—London Cab Act, 1968, s. 4 (2).
Kingcabs (Southall) Ltd. v. Gordon, D.C. [1970] R.T.R. 115.

——" Mini Cabs "—Inclusion of small letters reading " non-hackney "—Whether sufficiently making clear that vehicles indicated for hiring not licensed cabs—Whether necessarily avoiding offence—London Cab Act, 1968, s. 4 (2).
Atkins v. Green, D.C. [1970] R.T.R. 332.

London Airport byelaws

Authorised standings—Taxi loading passengers at unauthorised place—London taxi cabs governed by statute—" Standing in any street "—Meaning—Whether byelaws repugnant to provisions in statute—London Hackney Carriage Act, 1831, s. 35—Airports Authority Act, 1965, ss. 9 (1), 12 (6)—London (Heathrow) Airport Byelaws, 1966, arts. 2, 5 (44).
Eldridge v. British Airports Authority, D.C. [1970] 2 Q.B. 387; [1970] 2 W.L.R. 968.

METROPOLIS—*continued.*

Hackney carriage—*continued.*

"Plying for hire"

Act requiring taxicab driver to carry out fare's instructions—Instructions involving breach of Parking Zones Order—Order made by local authority under statutory powers restricting parking—Duty of taxicab driver to obey general law—London Hackney Carriage Act, 1853, s. 7—Parking Zones (Waiting and Loading Restriction) Order, 1966, art. 9 (3). **Levinson v. Powell,** Divl.Ct. [1967] 1 W.L.R. 1472.

Minicab—Not licensed as hackney carriage—Red car of distinctive appearance carrying advertisements, inscriptions and two-way radio—Car parked in street—Whether "plying for hire"—Metropolitan Public Carriage Act, 1869, s. 7.
Newman v. Vincent, Divl.Ct. [1962] 1 W.L.R. 1017.
Rose v. Welbeck Motors Ltd., Divl.Ct. [1962] 1 W.L.R. 1010.

Taximeter mechanism

Stopping on termination of hiring—Driver forgetting to stop mechanism—Plying for hire with mechanism ticking—Charges of failing to stop mechanism on termination of hiring and of setting mechanism in motion sooner than cab hired—Whether alternative—London Cab Order, 1934, para. 39 **Abrahams v. Bartlett,** D.C. [1970] R.T.R. 276

Highway. *See* HIGHWAY.

London Government Act. (*See also* HOUSING.)

Charity

Vesting—Alexandra Park and Palace—"Place of public resort and recreation and for other public purpose"—Whether valid charitable trust—Property held by trustees appointed by contributing local authorities—Contributing authorities amalgamated into new London boroughs—Minister's order that body of trustees cease to exist—Trustees' functions transferred to Greater London Council—Whether "incidental, [or] consequential"—Whether "necessary or proper"—Power of Minister to make order—Alexandra Park and Palace (Public Purposes) Act, 1900, ss. 17, 26 (1) (as amended)—London Government Act, 1963, ss. 81 (3), 84 (1)—Alexandra Park and Palace Order, 1966.
Alexandra Park Trustees v. Haringey London Borough Council,
Pennycuick J. (1967) 66 L.G.R. 306.

Inspection of documents

Minutes of committee of local authority—Committee acting under delegated powers—Power to act without reporting to council—Whether minutes of committee "minutes of proceedings of a local authority"—Whether open to inspection—London Government Act, 1939, s. 173 (1) (7).
Wilson v. Evans, Divl.Ct. [1962] 2 Q.B. 383; [1962] 2 W.L.R. 532.

Order for payment of money—Request to see all orders for financial year—Whether sufficient identification—Whether request oppressive—"An order for the payment of money"—"Obstruction"—London Government Act, 1939, s. 173 (3) (7).
Evans v. Lloyd, Divl.Ct. [1962] 2 Q.B. 471; [1962] 2 W.L.R. 541.

Parking of traffic. *See* ROAD TRAFFIC.

Passenger transport

Bus services

Withdrawal and variation of services—Consent of traffic commissioner obtained—London Passenger Transport Board replaced by London Transport Executive—Consultation with local councils required for variation of routes—Whether executive obliged to consult—Whether entitlement to make variation "rights" vesting in executive—Transport (London) Act, 1969, ss. 16 (1), 23 (3).
Sinfield v. London Transport Executive, C.A. [1970] Ch. 550; [1970] 2 W.L.R. 1062.

Fares

Stage carriage—Fivepenny ticket bought for sixpenny journey—Request by conductor to pay minimum fare of 3d. for next stage—Whether a request to pay "fare from the place whence he started"—Passenger alighting without paying extra 3d.—Belief that correct fare 5d.—Whether leaving "with intent to avoid payment" of fare—"Fare"—London Passenger Transport Act, 1936, s. 91 (1) (2) (*a*) (*b*).
Covington v. Wright, Divl.Ct. [1963] 2 Q.B. 469; [1963] 2 W.L.R. 1232.

Pension

Retirement compensation

Employee redundant at 60—Retiring age 65—Whether compensation based on actual average salary of preceding five years or notional average of five years between 60 and 65—London Government (Compensation) Regulations, 1964.
Minister of Housing and Local Government v. Lambert,
D.C. [1969] 2 Q.B. 107; [1969] 2 W.L.R. 447.

METROPOLIS—*continued.*

Petrol-filling station

Consent of local authority

Refusal to consent to establishment of petroleum-filling station on the ground that it would cause "obstruction to traffic"—London County Council (General Powers) Act, 1933, s. 69 (1). **London County Council v. Cutts,** Divl.Ct. [1961] 1 W.L.R. 292.

Police. (*See also* POLICE (**Duties**).)

Commissioner

Status—Duty of law enforcement—Whether owed to public—Responsibility—Whether answerable to law alone—Whether mandamus available to compel performance of duty—Discretion not to prosecute—Power to make policy decisions—Whether absolute.
Reg. v. Comr. of Police of the Metropolis, *Ex parte* **Blackburn,** C.A. [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893.

Powers of Commissioner

Directions for dispersing assemblies or processions in neighbourhood of Parliament—Police to prevent or remove any cause of obstruction to afford free passage of members to Parliament—Whether intra vires—Seven stationary pickets bearing posters—Whether assembly—Metropolitan Police Act, 1839, s. 52.
Papworth v. Coventry, Divl.Ct. [1967] 1 W.L.R. 663.

Registration of premises

"Night cafe"

No lavatories on premises—Public lavatories nearby—Key with cafe proprietor—Refusal of borough council to register—Whether proper exercise of discretion—Appeal to justices—Whether duty of justices to consider de novo—Greater London Council (General Powers) Act, 1968, ss. 47 (1), 49 (1) (2) (*d*) (10).
Tower Hamlets London Borough Council v. Whitehouse, D.C. (1970) 68 L.G.R. 426.

Road traffic

Parking. See ROAD TRAFFIC.

Speed limit. See ROAD TRAFFIC.

Street trading. *See* STREET TRADING.

MILITARY LAW

Appeal

Proviso to section 12 (1) of Act of 1968

Principle of application—Murder.
Reg. v. Cooper (Anthony), Ct.-M.A.C. [1969] 1 W.L.R. 977.

Burden of proof

Civilian war injuries

Claim for disability pension after time-limit—Where "upon reliable evidence a reasonable doubt" whether disablement caused by qualifying injury benefit to be given to claimant—Onus of proof of "reasonable doubt"—Application for leave to appeal—Whether for tribunal to decide evidence reliable—Pensions Appeal Tribunals Act, 1943, s. 6 (2)—Personal Injuries (Civilian) Scheme, 1964, art. 5 (1) (2) (3).
Cadney v. Minister of Pensions and National Insurance, Edmund Davies J. [1966] 1 W.L.R. 80.

Civil offence

Abroad, committed

Driving without due care and attention in Germany—Whether civil offence within meaning of Army Act—Army Act, 1955, s. 70—Road Traffic Act, 1960, ss. 3 (1), 257 (1).
Reg. v. Cox, Ct.-M.A.C. [1963] A.C. 48; [1962] 2 W.L.R. 126;
Cox v. Army Council, H.L.(E.) [1963] A.C. 48; [1962] 2 W.L.R. 950.

Criminal intent

Whether court to consider defendant's evidence on intent—Evidence—Statement by wife for summary of evidence—Wife refusing to give evidence at trial—Cross-examination permitted of defendant on wife's statement—Whether improper admission of evidence—Conviction of murder after improper admission of evidence and improper directions—Whether proviso to s. 12 (1) applicable—Army Act, 1955, s. 70—Criminal Justice Act, 1967, ss. 8, 104—Courts-Martial (Appeals) Act, 1968, s. 12 (1).
Reg. v. Cooper (Anthony), Ct.-M.A.C. [1969] 1 W.L.R. 977.

Court martial

Charge sheet

Civil offence—Grievous bodily harm—"With intent to do . . . grievous bodily harm or to maim, disfigure or disable"—Whether bad for duplicity—Army Act, 1955, s. 70—Offences against the Person Act, 1861, s. 18—Rules of Procedure (Army), 1956.
Reg. v. Naismith, Ct.-M.A.C. [1961] 1 W.L.R. 952.

MILITARY LAW—*continued.*

Courts-Martial Appeal Court

Fresh evidence

Defendant not giving evidence at trial—Receipt of defendant's evidence—Consideration of case on merits — Proposed evidence relevant and credible — Whether admissible — Courts-Martial (Appeals) Act, 1951, s. 8 (1) (*d*)—Criminal Appeal Act, 1964, s. 4.
Reg. v. Kelly, Ct.-M.A.C. [1965] 1 W.L.R. 730.

Jurisdiction

Right of appeal to—Whether single right—Determination of appeal or application—Whether jurisdiction to reopen—Application for leave to appeal dismissed on merits—Further application based on fresh evidence—Whether court functus officio—Courts-Martial (Appeals) Act, 1968, ss. 8 (1) (2), 9, 11 (2), 28 (1) (2), 34, 36—Criminal Appeal Act, 1968, s. 17—Courts-Martial Appeal Rules, 1968, r. 5—Criminal Appeal Rules, 1968, r. 10 (4). **Reg. v. Grantham,** Ct.-M.A.C. [1969] 2 Q.B. 574; [1969] 2 W.L.R. 1083.

Navy

Civil offence

Gross indecency between men, one under 21—Whether civil offence within meaning of Naval Discipline Act — Whether court-martial "proceedings" — Consent of Director of Public Prosecutions to proceedings—Whether procedural requirement—Absence of consent—Whether proceedings nullity—Naval Discipline Act, 1957, s. 42—Sexual Offences Act, 1967, s. 8—Sexual Offences Act, 1956, s. 13.
Reg. v. Warn, Ct.-M.A.C. [1968] 1 Q.B. 718; [1968] 2 W.L.R. 131.
H.L.(E.) [1970] A.C. 394; [1968] 3 W.L.R. 609.

Pension

Burden of proof

Disease of unknown origin—Claim for service disability pension—Whether evidence sufficient to rebut presumption of attributability—Royal Warrant 1949 (Cmd. 7699), art. 4 (2). **Coe v. Minister of Pensions and National Insurance,**
Edmund Davies J. [1967] 1 Q.B. 238; [1966] 3 W.L.R. 626.

Injury sustained during war service—Condition of "cervical spondylosis" diagnosed subsequent to discharge—Whether condition attributable or aggravated by earlier injury —Whether "benefit of any reasonable doubt . . . given to . . . claimant"—Standard of proof—Royal Warrant, 1949, art. 4 (2) (3).
Judd v. Minister of Pensions and National Insurance, Edmund Davies J.
[1966] 2 Q.B. 580; [1966] 2 W.L.R. 218.

Suicide

Ex-seaman in receipt of war disability pension—Suicide—Widow's claim for children's allowances—Whether death resulting from suicide directly attributable to war service conditions—War Pensions (Mercantile Marine) Scheme, 1949, arts. 2 (4), 3 (1).
Freeman v. Minister of Pensions and National Insurance,
Edmund Davies J. [1966] 1 W.L.R. 456.

MILK. *See* FOOD AND DRUGS.

MINES

Act of 1954

Breach of statutory duty

Bent girder supporting roof—Accident whilst girder being moved—Whether girder suitable material—Whether girder "apparatus"—Mines and Quarries Act, 1954, ss. 51 (3), 81 (1). **Grimstead v. National Coal Board,** Milmo J. [1965] 1 W.L.R. 1252.

Coal—"Obstruction"—Road—Tubs left standing with supporting rope—Whether rope an obstruction—Mines and Quarries Act, 1954, ss. 34, 39.
Cook v. National Coal Board, C.A. [1961] 1 W.L.R. 1192.

"Every enclosure or barrier . . . shall be kept securely in position or . . . closed"—Cage with two decks each provided with gate—Workman's entry into top deck of cage when gate open—Fall from top deck of cage on landing and hence into shaft—Whether breach of statutory duty to keep gate shut—Object of subsection—Mines and Quarries Act, 1954, s. 31 (1) (2).
Rodgers v. National Coal Board, Waller J. [1966] 1 W.L.R. 1559.

Practicability of precautions—"Parts and working gear"—Patent defect in conveyor belt—Workman injured—"Shall be . . . free from patent defect"—Duty absolute—Meaning of "patent"—Objective test—Onus on employers of showing impracticability of avoiding or preventing contravention—Mines and Quarries Act, 1954, ss. 81 (1), 157.
Sanderson v. National Coal Board, C.A. [1961] 2 Q.B. 244; [1961] 3 W.L.R. 73.

——————————Statutory duty to insert cutter nogs — "Impracticable" to insert nogs — Practicable not to require men to work where duty could not be complied with — Injury to workman — Whether "impracticable to avoid or prevent contravention"—Whether breach of statutory duty—Negligence at common law not pleaded—Liability of employers—Mines and Quarries Act, 1954, ss. 49 (1) (5), 157—Coal and Other Mines (Support) Regulations, Sch. 1, reg. 10 (1) (2).
Morris v. National Coal Board, C.A. [1963] 1 W.L.R. 1382.

MINES—*continued.*

Act of 1954—*continued.*

Breach of statutory duty—*continued.*

Roof and sides—Event of extreme improbability—Fall of stone from roof—Haematite ore mine—Fall due to incipient bedding plane—Undetectable by known methods—" Take . . . steps for keeping . . . secure "—Relevance of foreseeability—Whether " impracticable " to avoid contravention—Mines and Quarries Act, 1954, ss. 48 (1), 157.
Tomlinson v. Beckermet Mining Co. Ltd., C.A. [1964] 1 W.L.R. 1043.

——————Fall of stone from roof following fall of girder—Duty of manager to keep road and working places secure—Whether absolute—Duty to obtain information—Mines and Quarries Act, 1954, s. 48 (1) (2).
Brown v. National Coal Board, H.L.(E.) [1962] A.C. 574; [1962] 2 W.L.R. 296.

——————Movement of ring causing dislodgment of roof boards—Fall of dirt and rock—Duty of manager to keep road and working place secure—Duty to obtain information—Onus on manager to show whether or not he obtained, and acted on, relevant information—Mines and Quarries Act, 1954, s. 48 (1) (2).
Beiscak v. National Coal Board, Karminski J. [1965] 1 W.L.R. 518.

——————Support—Duty of manager to keep working place secure—Meaning of " working place "—Mines and Quarries Act, 1954, s. 48 (1).
Yenn v. National Coal Board, Veale J. [1967] 2 Q.B. 557; [1967] 2 W.L.R. 465.

——————————Manager's duty—Clay mine—Accidental fall after shot-firing—Mines and Quarries Act, 1954, s. 48.
John G. Stein & Co. Ltd. v. O'Hanlon, H.L.(Sc.) [1965] A.C. 890; [1965] 2 W.L.R. 496.

——————————Manager's duty to keep road and working place secure—Fall of stone from roof—Whether element of foreseeability or expectation of injury—Mines and Quarries Act, 1954, s. 48 (1) (2).
Soar v. National Coal Board, C.A. [1965] 1 W.L.R. 886.

Security of road working place—Duty of manager—Overall planning—Foreseeability of particular danger—Stone falling from roof—Fall caused by steel strut being put directly in contact with roof of limestone seam and biting into roof when attempt made to move conveyor motor—Mines and Quarries Act, 1954, s. 48 (1).
Robson v. National Coal Board, Waller J. [1968] 3 All E.R. 159.

" Sudden changes of direction, height, width and gradient " of road—Equipment—Conveyor belt projecting across road—Base three feet six inches above floor of road—Whether constituting " sudden change of height " of road—" System of working the mine "—Meaning—Mines and Quarries Act, 1954, s. 34 (1).
Lister v. National Coal Board, C.A. [1970] 1 Q.B. 228; [1969] 3 W.L.R. 439.

Vehicles used in a mine—Workman injured by running vehicle—Vehicle not running away—Applicability of section requiring precautions to avoid accidents in case of vehicles " running away "—" Running away "—Mines and Quarries Act, 1954, s. 41.
Jones v. National Coal Board, Nield J. [1965] 1 W.L.R. 532.

Coal

Nationalisation

National Coal Board—Whether a " public body "—Prevention of Corruption Act, 1916, s. 4 (2). **Reg. v. Newbould**, Winn J. [1962] 2 Q.B. 102; [1962] 2 W.L.R. 648.

Metalliferous mines

Sale of land

Exception of minerals with power to " win " by " underground workings or operations only "—Meaning—To " win " meant to " search "—Whether vendor entitled to go on surface to search for minerals.
General Accident Fire & Life Assurance Corpn. Ltd. v. British Gypsum Ltd., Plowman J. [1967] 1 W.L.R. 1215.

Mining lease

Lease of sand and gravel pit

Right to extract sand and gravel—Whether " mining lease "—Landlord and Tenant Act, 1927, s. 25—Landlord and Tenant Act, 1954, ss. 43, 46.
O'Callaghan v. Elliott, C.A. [1966] 1 Q.B. 601; [1965] 3 W.L.R. 746.

Quarry

Breach of statutory duty

Dangerous machinery (fencing)—Tractor being hoisted out of clay pit—Slip by employee trapping foot in nip between ram connecting cylinder with scarifying bar on tractor—Whether foreseeable cause of injury—Whether a "dangerous" exposed part of machinery—Whether duty to fence—Whether failure to provide longer rope for hoisting tractor breach of common law duty—Mines and Quarries Act, 1954, ss. 82, 115 (*a*).
Rodgers v. London Brick Co. Ltd., Roskill J. (1969) 7 K.I.R. 1.
C.A. (1970) 8 K.I.R. 843.

MINES—*continued.*

Quarry—*continued.*

Breach of statutory duty—continued.

Explosives—Testing detonators—Failure of fellow workmen to comply with regulations—Mines and Quarries Act, 1954, s. 157—Quarries (Explosives) Regulations, reg. 27 (4).
Imperial Chemical Industries Ltd. v. Shatwell, H.L.(E.) [1965] A.C. 656; [1964] 3 W.L.R. 329.

Fall of stone from face

Experienced quarryman appointed to inspect face — Projecting rock — Work carried out under rock—Duty of manager to avoid danger from falls—Whether quarryman "competent person" to inspect—Whether operations carried on so as "to avoid danger from falls"—Mines and Quarries Act, 1954, s. 108 (1)—Quarries (General) Regulations, 1956, regs. 2 (1) (*b*), 41.
Brazier v. Skipton Rock Co. Ltd., Winn J. [1962] 1 W.L.R. 471.

Face inspection at 8.30 a.m. but not immediately preceding work by men at foot of face—Whether proper inspection—Probability that stone fall caused by superincumbent load, lifting shots and rain—No system of notifying manager of direction to workers to carry out dangerous operation—Whether proper system—Man directed to work in dangerous place without manager's knowledge—Death of man from stone fall—Whether reasonable care taken for man's safety—"Close and effective supervision . . . by manager"—Whether manager supervising if unaware of operation—"Duty . . . to avoid danger from falls"—Whether absolute—"Defence . . . that . . . impracticable to avoid or prevent . . . contravention" of statutory provision—Onus of proof—Whether discharged by defendants—Mines and Quarries Act, 1954, ss. 103 (1), 108 (1), 157. **Sanderson v. Millom Hematite & Iron Ore Co. Ltd.,** Cantley J. (1967) 4 K.I.R. 264.

Railway, compensation by

Tax element

Mine within protected area of railway—Prohibition on working—Claim for compensation—Whether for loss of profits in respect of capital asset—Whether tax liability to be taken into account—Railway Clauses Consolidation Act, 1845, s. 78 (as substituted by Mines (Working Facilities and Support) Act, 1923, s. 15).
Thomas McGhie & Sons Ltd. v. British Transport Commission, Phillimore J. [1963] 1 Q.B. 125; [1962] 3 W.L.R. 380.

Railway sidings

Material near track

Material (colliery debris stack) less than three feet from railway line—Duty of manager to see that employee "required" to pass on foot over material or between it and line can do so safely—Shunter required to uncouple railway wagons at reservoir—Killed by train while walking to reservoir along route beside railway line—Whether "required" to walk along route — "Required" — Whether regulation applicable — Coal and Other Mines (Sidings) Regulations, 1956, reg. 20.
Westwood v. National Coal Board, C.A. [1966] 1 W.L.R. 682.
H.L.(E.) [1967] 1 W.L.R. 871.

Working facilities

Corporation

Lease—Minerals worked or won from agricultural land—Conditions to be imposed—Discretion of the court—Whether court bound by previous precedents—Whether incidence of taxation a valid consideration—Whether compensation payable for loss of a capital asset or for loss of profits—Mines (Working Facilities and Support) Act, 1923, ss. 1, 6, 9 — Town and Country Planning Act, 1962, s. 198 — Town and Country Planning (Modification of Mines Act) Regulations, 1948.
In re **Associated Portland Cement Manufacturers Ltd.'s Application,** Buckley J. [1966] Ch. 308; [1965] 3 W.L.R. 1271.

MINISTER. *See* CROWN.

MISTAKE. *See* CONTRACT (**Mistake**; **Rectification**); SALE OF GOODS.

MOHAMMEDAN LAW. (*See also* CEYLON; EASTERN AFRICA (**Aden**).)

Pre-emption, right of

Extent of right

Ceylon. **Mangaleswari v. Selvadurai,** P.C. [1961] A.C. 605; [1961] 2 W.L.R. 813.

MONEYLENDER

Definition

Discounting transactions

Whether moneylending—"Interest"—Meaning—Moneylenders Ordinance, 1951, ss. 3, 15, 16 (Malaya).
Hong v. Choong Fah Rubber Manufactory, P.C. [1962] A.C. 209; [1962] 2 W.L.R. 43.

MONEYLENDER—*continued.*

Definition—*continued.*

Exclusion from

Hire-purchase company—Loans "in the course of" and "for the purpose of" business not having for its primary object the lending of money—Loans to dealers—"Stocking transactions"—Whether moneylender—Moneylenders Act, 1900, s. 6 (*d*).
Premor Ltd. v. Shaw Brothers, C.A. [1964] 1 W.L.R. 978.

Hire-purchase finance — Person "bona fide carrying on the business of banking" — Meaning—Burden of proof—Reputation as banker—Moneylenders Act, 1900, s. 6 (*d*).
United Dominions Trust Ltd. v. Kirkwood, C.A. [1966] 2 Q.B. 431; [1966] 2 W.L.R. 1083.

Issuing house—Money lent with view to flotation of companies—Whether lent "in the course of . . . and for the purposes of" the business of an issuing house—Burden of proof—Accountants enjoined to value assets of company—Whether enforceability of liabilities to be considered—Certificate of accountants—Whether open to challenge—Moneylenders Act, 1900, s. 6 (*d*).
Frank H. Wright (Constructions) Ltd. v. Frodoor, Roskill J. [1967] 1 W.L.R. 506.

Person "bona fide carrying on the business of banking"—Meaning—Moneylenders Act, 1900, s. 6 (*b*). **United Dominions Trust Ltd. v. Kirkwood,** Mocatta J. [1966] 1 Q.B. 783; [1965] 3 W.L.R. 817.

Moneylending transaction

Discovery—Documents coming into existence after date of alleged moneylending transactions—Whether material—Whether to be disclosed.
Marshall v. Goulston Discount (Northern) Ltd., C.A. [1967] Ch. 72; [1966] 3 W.L.R. 599.

Exemption from Act

Order of Board of Trade

Effect—Finance company exempted from Moneylenders Act by order of Board of Trade—Condition precedent to exemption not to take interest above 10 per cent.—Interest under hire-purchase agreement above 10 per cent.—Whether money recoverable as money had and received—Whether company exempt—Moneylenders Act, 1900, s. 6 (*a*) (*e*).
North Central Wagon Finance Co. Ltd. v. Brailsford, Cairns J. [1962] 1 W.L.R. 1288.

Memorandum

Contents of

Essential terms—Understanding by all parties that part of loan to be used to buy lease as security for loan—Payment authorised by borrower in separate document not part of memorandum but not stated in memorandum itself—No stipulation by moneylenders that payment for lease to be made from proceeds of loan only—Whether essential term of contract or machinery for carrying loan into effect—Whether memorandum defective—Moneylenders Act, 1927, s. 6 (1) (2).
Hanyet Securities Ltd. v. Mallett, C.A. [1968] 1 W.L.R. 1265.

Money borrowed to purchase property as sole security for loan—Mortgage deed signed as note or memorandum in undated form before purchase completed and money lent—Receipt of money acknowledged "on or before" execution of deed—Whether date of loan stated in memorandum—Whether memorandum complied with statutory requirements—Whether moneylender entitled to lien in respect of sums paid to vendors—Moneylenders Act, 1927, ss. 6 (1) (2), 7.
Congresbury Motors Ltd. v. Anglo-Belge Finance Co. Ltd., Plowman J. [1970] Ch. 294; [1969] 3 W.L.R. 502.

Copy

Default clause—Failure to include all terms of clause in copy of memorandum—Omission of line rendering clause unintelligible—No copy of promissory note given to borrower—whether memorandum and promissory note may be read together—Whether loan recoverable—Moneylenders Act, 1927, s. 6.
Edgware Trust Ltd. v. Lawrence, Diplock J. [1961] 1 W.L.R. 1354.

Interest

Rate of—Alternative requirements in statute—Actual or deemed rate—Interest charged on loan—Meaning—Whether actual rate stated in memorandum—Collateral transaction not stated in—Whether loan increased by collateral transaction—Whether failure to contain all terms of transaction—Moneylenders Act, 1927, ss. 6 (2), 15 (1), Sch. 1.
Askinex Ltd. v. Green, C.A. [1969] 1 Q.B. 272; [1967] 2 W.L.R. 820.

MONEYLENDER—*continued.*

Memorandum—*continued.*

Non-compliance with statutory requirements

Omission from memorandum of substantive term—Part of loan to be used to buy lease as security for loan—Term referred to in document of authorisation not forming part of memorandum and not in memorandum itself—Whether moneylending contract enforceable—Employment of agent—Part of loan to be used to pay off debt owed to person, not employed by moneylender, but who introduced borrower to moneylender—Rate of interest 45 per cent. per annum—Transaction arranged partly over telephone partly by correspondence, bearing authorised address—No personal attendance by plaintiff at authorised address — Whether business carried on " at any other place than at . . . authorised address "—Whether rate of interest harsh and unconscionable—Whether person acting as " agent "—Whether money received as " consideration "—Moneylenders Act, 1927, ss. 1 (3), 5 (3), 6 (1) (2).

Hanyet Securities Ltd. v. Mallett, Pennycuick J. [1968] 1 W.L.R. 18.

Requirements of

Not applicable to loans with interest of 10 per cent. or less—Original agreement enforceable—Temporary variation in rate of interest—Agreement for variation unenforceable—Whether original agreement thereby becoming unenforceable—Intention of parties equally important in moneylending transactions—Whether temporary variation in rate of interest evidence of intention to rescind original agreement—Moneylenders Act, 1927, s. 6—Moneylending Laws (Laws of Jamaica, 1953 Rev., c. 254), s. 8.

United Dominions Corpn. (Jamaica) Ltd. v. Shoucair,
P.C. [1969] 1 A.C. 340; [1968] 3 W.L.R. 893.

Moneylending transaction

Bills of exchange

Purchase—Whether bills security for money lent—Moneylenders Act, 1927.

Hamilton Finance Co. Ltd v. Coverley Westray Walbaum & Tosetti Ltd.,
Mocatta J. [1969] 1 Lloyd's Rep. 53.

Vendor's lien

Money borrowed to purchase property—Payment by moneylender direct to vendor—Mortgage by purchaser to moneylender unenforceable—Whether moneylender entitled to vendor's lien on property by subrogation—Moneylenders Act, 1927.

Congresbury Motors Ltd. v. Anglo-Belge Finance Co. Ltd., C.A. [1970] 3 W.L.R. 683.

MORTGAGE

Attornment clause

Default

Leasehold premises — Assignment of lease subject to charge — Breach of covenants by assignee—Whether tenancy created by attornment vested in assignee—Nature of tenancy created—Requirement of notice to determine subsisting tenancy—Assignee of lease bound by terms of tenancy created by attornment—Estoppel as against chargee—Law of Property Act, 1925, ss. 1, 87 (1) (*b*), 142.

Regent Oil Co. Ltd. v. J. A. Gregory (Hatch End) Ltd.,
Ungoed-Thomas J. [1966] Ch. 402; [1965] 3 W.L.R. 730.
C.A. [1966] Ch. 402; [1965] 3 W.L.R. 1206.

Bank's charge

Demand for payment

Service—By letter " to X at his address "—X dead—Demand so made—Whether valid.

Barclays Bank Ltd. v. Kiley, Pennycuick J. [1961] 1 W.L.R. 1050.

Registered land

Power of attorney to convey legal estate in mortgagor's name—Registered land transfer—Nature of transaction—Whether transfer by mortgagor with concurrence of mortgagee or as mortgagees in exercise of power of sale—Effect—Whether overrode equitable charges—Law of Property Act, 1925, s. 104.

In re **White Rose Cottage,** Wilberforce J. [1964] Ch. 483; [1964] 2 W.L.R. 396.
C.A. [1965] Ch. 940; [1965] 2 W.L.R. 337.

Charge by way of legal mortgage

Effect

No term created—Law of Property Act, 1925, s. 87.

Cumberland Court (Brighton) Ltd. v. Taylor, Ungoed-Thomas J.
[1964] Ch. 29; [1963] 3 W.L.R. 313.

Priority

Matrimonial home put in husband's sole name in breach of agreement to put it in joint names as joint tenants—Husband and wife banking at same bank—Mortgages to bank by husband without wife's knowledge, prior to withdrawal by husband from matrimonial home—Husband's bankruptcy—Whether bank had constructive notice of wife's equitable interest—Order of priorities—Law of Property Act, 1925, ss. 67 (1), 199 (1) (2).

Caunce v. Caunce, Stamp J. [1969] 1 W.L.R. 286.

MORTGAGE—*continued.*

Collateral advantage

Premium

Stipulation for premium in addition to loan secured on property—Repayable over six years—Effect of making security deficient—Default in repayments—Summons for possession and repayment of loan with premium—Whether premium "reasonable" or "unfair and unconscionable"—Rule of equity applicable.
Cityland and Property (Holdings) Ltd. v. Dabrah, Goff J. [1968] Ch. 166; [1967] 3 W.L.R. 605.

Costs

Protection of security

Exercise by mortgagees of power of sale—Sum realised insufficient to pay off mortgage debt—Action by mortgagor to set aside sale alleging that sale was at a gross undervalue—Mortgagees' summons to amend pleadings by delivery of counterclaim—Mortgagees' counterclaim for balance owing and costs of action and counterclaim against mortgagor personally—Provision in mortgage that expenses to protect security to be deemed properly paid—Whether mortgagor personally liable for costs—Whether counterclaim should be disallowed as demurrable—Mortgagee legally aided—Effect—R.S.C. (Rev. 1965), Ord. 20, r. 8—Legal Aid and Advice Act, 1949, s. 2 (2).
Sinfield v. Sweet, Pennycuick J. [1967] 1 W.L.R. 1489.

County court jurisdiction. *See* COUNTY COURT.

Debt without security

Enforcement

Action to recover principal and interest secured by second mortgage—Security realised by first chargee—No appearance by mortgagor—Whether leave required for judgment in default—Whether claim for "moneys secured by mortgage or charge"—R.S.C. (Rev. 1965), Ord. 13, r. 1; Ord. 55, rr. 5A, 5C, 5E (*a*).
Newnham v. Brown, Cross J. and C.A. [1966] 1 W.L.R. 875.

Equitable charge

Lien

Deposit of deeds and documents—Unregistered equitable charge by company—Whether lien preserved after avoidance of charge—Companies Act, 1948, s. 95 (1) (2) (*d*) (*e*).
In re **Molton Finance Ltd.,** C.A. [1967] Ch. 325; [1967] 3 W.L.R. 1561.

Moneylending transaction—Charge by subrogation—Money borrowed to purchase property as sole security for loan—Mortgage deed signed as a note or memorandum—Whether memorandum complied with statutory requirements—Whether moneylender entitled to equitable lien in respect of part of loan paid to vendors—Moneylenders Act, 1927, ss. 6 (1) (2), 7. **Congresbury Motors Ltd. v. Anglo-Belge Finance Co. Ltd.,** Plowman J. [1970] Ch. 294; [1969] 3 W.L.R. 502.

Equity of redemption

Arrears of interest

10 years' arrears—Six years' interest tendered—Mortgagors' claim to redemption—Whether mortgagees entitled to all arrears including those statute barred—Limitation Act, 1939, s. 18 (5). **Holmes v. Cowcher,** Stamp J. [1970] 1 W.L.R. 834.

Clog

Transfer of mortgage—Option to transferee to purchase part of mortgaged property—Transaction carried out in separate documents—Whether option void as clog on equity of redemption. **Lewis v. Frank Love Ltd.,** Plowman J. [1961] 1 W.L.R. 261.

Restraint of trade

Mortgage tied with solus agreement with oil company for sale of petrol—Mortgage irredeemable for 21 years with solus tie—Whether doctrine of restraint of trade applicable to covenants in mortgage—Whether mortgage unreasonable and invalid—Whether mortgage oppressive and redeemable.
Esso Petroleum Co. Ltd. v. Harper's Garage (Stourport) Ltd., C.A. [1966] 2 Q.B. 514; [1966] 2 W.L.R. 1043. H.L.(E.) [1968] A.C. 269; [1967] 2 W.L.R. 871.

Leasehold, of

Absolute assignment of leasehold as security

Effect—"Purported assignment" by way of mortgage—Meaning—Right of mortgagee to relief from forfeiture—Costs—Law of Property Act, 1925, ss. 86 (1) (2), 146.
Grangeside Properties Ltd. v. Collingwoods Securities Ltd., C.A. [1964] 1 W.L.R. 139.

Legal charge, by way of

Whether term created—Mortgaged property let by mortgagor with option for lessee to renew—Whether option binding reversion—Law of Property Act, 1925, s. 87.
Weg Motors Ltd. v. Hales, C.A. [1962] Ch. 49; [1961] 3 W.L.R. 558.

Mortgage by way of legal charge

Assignment of premises subject to charge—Breach of covenant by assignee—Remedies of legal chargees—Whether those of mortgagee by sub-demise—Whether limited to remedies in respect of the security—Burden of covenants for "tied" garage running with reversion, so touching property charged—Law of Property Act, 1925, s. 87.
Regent Oil Co. Ltd. v. J. A. Gregory (Hatch End) Ltd., Ungoed-Thomas J. [1966] Ch. 402; [1965] 3 W.L.R. 730. C.A. [1966] Ch. 402; [1965] 3 W.L.R. 1206.

MORTGAGE—*continued.*

Leasehold, of—*continued.*

Sale

Contract for sale by mortgagees—Conditional on licence to assignment of lease by landlords—Tender of money due under mortgage after contract—Whether equity of redemption precluded.
Property & Bloodstock Ltd. v. Emerton, C.A. [1968] Ch. 94; [1967] 3 W.L.R. 973.

Matrimonial home. *See* HUSBAND AND WIFE.

Possession

Application for possession

Second or subsequent mortgagees—Requirement to inquire whether first mortgagee obtained possession order—Correspondence to be shown to master.
Practice Direction (Possession Applications by Mortgagees), Ch.D. [1968] 1 W.L.R. 422.

Mortgagee's right to

Charge excluding mortgagor's statutory power of leasing, except with consent of mortgagee—Non-payment of mortgage interest—Summons for possession—Persons in occupation—Weekly tenancies, one granted prior to charge and other subsequently—Both determined by notice to quit but tenants still in possession—Whether mortgagee able to evict—Protection from Eviction Act, 1964, ss. 1, 2, 4.
Bolton Building Society v. Cobb, Russell L.J. [1966] 1 W.L.R. 1.

Summons for possession

Adjournment—Mortgage repayment by instalments—Mortgagee's power of sale exercisable—Discretion of court to adjourn hearing generally—Whether within jurisdiction—Practice Direction—R.S.C., Ord. 5, r. 5A; Ord. 55, r. 5A.
Birmingham Citizens Permanent Building Society v. Caunt, Russell J. [1962] Ch. 883; [1962] 2 W.L.R. 323.

Deceased mortgagor—No representation to estate of mortgagor—Tenants in occupation of mortgaged premises—Illegal sub-lettings—Whether order for possession could be made against tenants—Instructions to "tenants" as to repairs and Schedule A payments—Whether tenancies created—R.S.C., Ord. 55, r. 5A.
Barclays Bank Ltd. v. Kiley, Pennycuick J. [1961] 1 W.L.R. 1050.

Joint mortgagors—One in possession—Whereabouts of other unknown—Service of summons on mortgagor in possession—Order for possession made against mortgagor in possession only—R.S.C., Ord. 55, r. 5 (*a*).
Alliance Building Society v. Yap, Cross J. [1962] 1 W.L.R. 857.

Priorities

Registered land. See LAND REGISTRATION (**Charges register**; *Priority of entries*).

Reconveyance

Endorsed receipt, by

Moneys secured by legal charge paid by vendor after completion—Effect—Law of Property Act, 1925, s. 115.
Cumberland Court (Brighton) Ltd. v. Taylor, Ungoed-Thomas J. [1964] Ch. 29; [1963] 3 W.L.R. 313.

Registered land. *See* LAND REGISTRATION.

Sale

Statutory power

Equity of redemption—Contract for sale of leasehold property by mortgagees—Contract conditional on licence of landlords to assignment of lease—Tender of money due under mortgage after contract but before conveyance—Whether right of redemption precluded—Law of Property Act, 1925, ss. 101 (1) (i), 104 (1) (2).
Property & Bloodstock Ltd. v. Emerton, C.A. [1968] Ch. 94; [1967] 3 W.L.R. 973.

Small dwellings

Local authority, mortgagee

Conditions statutory—Repayments—Monthly instalments of annuity of principal and interest combined—Default in payment—Possession summons—Arrears paid before hearing—Instalments up to date—Whether local authority entitled to obtain possession—Small Dwellings Acquisition Act, 1899, s. 5 (5)—County Courts Act, 1888, s. 139.
Alnwick Rural District Council v. Taylor, Pennycuick J. [1966] Ch. 355; [1966] 2 W.L.R. 770.

Possession

Default in repayments—Prospective buyer let in possession—Property abandoned by proprietor—Tenancy at will granted by local authority to prospective buyer in occupation—Whether possession taken—Personal liability of proprietor under mortgage—Whether a renewed right to redemption on enforcement by authority—Small Dwellings Acquisition Act, 1899, ss. 4 (1), 5 (1).
Mexborough Urban District Council v. Harrison, Pennycuick J. [1964] 1 W.L.R. 733.

MOTOR INSURERS' BUREAU. *See* Road Traffic (**Third party insurance**).

MOTOR TRADE. *See* Restraint of Trade.

MURDER. *See* Crime (**Homicide**).

MUSLIM LAW. *See* Mohammedan Law.

NAME
Change of surname
Deed poll, by
Effect.
In re **T. (orse. H.) (An Infant),** Buckley J. [1963] Ch. 238; [1962] 3 W.L.R. 1477.

Infant—Proposed amendment—Interim procedure to be followed—Enrolment of Deeds (Change of Name) Regulations, 1949 (as amended)—R.S.C., Ord. 63, r. 10.
Practice Direction (Deed Poll: Minors), Central Office [1969] 1 W.L.R. 1330.

Infant
Parents divorced—Custody with mother—Mother acquiring new surname on re marriage—Deed poll—Change of infant's surname to mother's new name—Mother purporting to act as legal guardian—Whether power to change infant's surname without father's consent.
In re **T. (orse. H.) (An Infant),** Buckley J. [1963] Ch. 238; [1962] 3 W.L.R. 1477.

NAME AND ARMS CLAUSE
Construction
" Family arms "
Quartering of arms " his . . . own family arms "—Whether arms by descent or direct grant—Forfeiture on failure to quarter arms—Plaintiff possessing no family arms—Whether obligation to obtain grant.
In re **Neeld, decd. (No. 3),** Megarry J. [1969] 1 W.L.R. 988.

Public policy
Women
Direction to " take use and bear " surname " upon all occasions "—Forfeiture on refusal or neglect, or if person entitled should " discontinue " to use name—Direction applying to married women and their husbands—Whether void for uncertainty—Whether contrary to public policy.
In re **Howard's Will Trusts,** Wilberforce J. [1961] Ch. 507; [1961] 2 W.L.R. 821.

Married—Single—Whether public policy involved at all.
In re **Neeld, decd.,** C.A. [1962] Ch. 643; [1962] 2 W.L.R. 1097.

Uncertainty. (*See also* **Public policy.**)
Principles applicable
Language of old precedents—" Use the surname of "—" Discontinue to use."
In re **Neeld, decd.,** C.A. [1962] Ch. 643; [1962] 2 W.L.R. 1097.

NATIONAL ASSISTANCE. *See* Husband and Wife (**Maintenance**).

NATIONAL HEALTH SERVICE. (*See also* Negligence (**Hospital**).)
Chemist
Drugs, provision of
Chemist included in pharmaceutical list—Contract with National Health Service executive council—Supply of medicine under terms of contract—Whether sale of medicine to National Health Service executive council—National Health Service Act, 1946, s. 38—National Health Service (General Medical and Pharmaceutical Services) Regulations, 1966, regs. 23, 26, 31. **Appleby v. Sleep,** Divl.Ct. [1968] 1 W.L.R. 948.

Consultant
Remuneration
Scope of employment—Northern Ireland—Tuberculosis authority—Specialist—Service agreement—Examination of radiographs of candidates for Royal Ulster Constabulary—Whether specialist entitled to fees—National Health Service Act, 1946, s. 3—Health Services Act (Northern Ireland), 1948, s. 21.
Northern Ireland Hospitals Authority v. Whyte, H.L.(N.I.) [1963] 1 W.L.R. 882.

NATIONAL HEALTH SERVICE—*continued.*

Hospital

Drugs, provision of

Whether " for the services of the Crown "—Charges to out-patients and private in-patients —Whether vending—Patents Act, 1949, s. 46.
Pfizer Corpn. v. Ministry of Health, C.A. [1964] Ch. 614; [1963] 3 W.L.R. 999.
H.L.(E.) [1965] A.C. 512; [1965] 2 W.L.R. 387.

Gift

Bequest to hospitals—Gift over if any hospital ceases " to exist as an independent charity " — Nationalisation of hospitals — Loss of self-governing rights — Meaning of " independent " in bequest—National Health Service Act, 1946, s. 11.
In re **Lowry's Will Trusts,** Cross J. [1967] Ch. 638; [1967] 2 W.L.R. 401.

" Endowing beds for paying patients " in two hospitals—Need for paying patients' beds in only one hospital—Improved standard of maintenance for patients in existing beds desirable — Application of capital — Whether valid gift as to one or both hospitals—Whether intestacy as to part—National Health Service Act, 1946, ss. 4, 5, 54, 59—National Health Service (Pay-Bed Accommodation in Hospitals, etc.) Regulations, 1953, regs. 3, 4, 5. *In re* **Adams, decd.,** Cross J. [1967] 1 W.L.R. 162.
C.A. [1968] Ch. 80; [1967] 3 W.L.R. 1088.

Medical practitioner

Complaint against him

Breach of terms of service—Executive Council recommendation withholding remuneration—Whether complainant a right of appeal—National Health Service Act, 1946, ss. 33, 42—National Health Service (Service Committees and Tribunal) Regulations, 1956, regs. 6, 7—National Health Service (Service Committees and Tribunal) Amendment Regulations, 1965. **Reg. v. Ministry of Health,** *Ex parte* **Ellis,**
Divl.Ct. [1968] 1 Q.B. 84; [1967] 3 W.L.R. 1081.

Goodwill

Partnership—Covenant in restraint of trade—Enforceability where no payment or consideration taken for covenant—National Health Service Act, 1946, s. 35 (1).
Macfarlane v. Kent, Stamp J. [1965] 1 W.L.R. 1019.

Negligence. See NEGLIGENCE (**Hospital**).

NATIONAL INSURANCE

Benefits

Assessment

Casual or several employments—Income tax assessed under Schedule E—Deduction by only one employer—Special arrangements to collect tax from employee in respect of other employment—Whether total remuneration " reckonable earnings " in relation to earnings-related supplement—" Deductible "—National Insurance Act, 1965, s. 4 (2)—National Insurance Act, 1966, s. 2 (1) (5) (*b*)—Income Tax (Employments) Regulations, 1965, reg. 51 (1). **Baker v. Minister of Social Security,** Paull J. [1969] 1 W.L.R. 644.

" *Question arising under the Act* "

Determination—Whether jurisdiction in court—Whether for reference to Secretary of State for Social Services—National Insurance Act, 1965, ss. 64 (1), 97 (1) (2)—National Insurance (Industrial Injuries) Act, 1965, ss. 35 (1), 70 (1) (2)—Secretary of State for Social Services Order, 1968, art. 2.
Department of Health and Social Security v. Walker Dean Walker Ltd.,
Chapman J. [1970] 2 Q.B. 74; [1970] 2 W.L.R. 588.

Contributions

Whether payable by defendants

Whether " employers " — Classes of insured persons — Whether " question " for determination by Minister—National Insurance Act, 1965, ss. 1 (2), 3, 64 (1), 97 (2)—National Insurance (Industrial Injuries) Act, 1965, ss. 2, 35 (1), 70 (2), Sch. 1, para. 1.
Ministry of Social Security v. John Bryant & Co. (Bristol) Ltd.,
James J. [1968] 1 W.L.R. 1260.

Industrial injuries benefit

Assessment

" Disabilities to be taken into account "—" Disease contracted after, and not directly attributable to that accident "—Eye loss resulting from accident—Subsequent contraction of non-attributable disease in remaining eye before date of assessment—Claimant's " physical and mental condition at . . . date of . . . assessment "—Whether near blindness a " result of . . . injury " through accident—Rules for determining existence of statutory chain of causation between relevant accident and particular disability—Whether statutory rules modified by regulations—National Insurance (Industrial Injuries) Act, 1965, ss. 5, 12, 13, 14, 15, 87 (2), Sch. 4, paras. 1 (*a*) (*b*) (*c*) (*d*), 2 —National Insurance (Industrial Injuries) (Benefit) Regulations, 1964, reg. 2 (2) (3) (*a*).
Reg. v. Industrial Injuries Comr., *Ex parte* **Cable,**
Divl.Ct. [1967] 2 Q.B. 429; [1967] 2 W.L.R. 1298.
C.A. [1968] 1 Q.B. 729; [1968] 2 W.L.R. 1.

NATIONAL INSURANCE—*continued.*

Industrial injuries benefit—*continued.*

Determination of appeal

Injury arising in course of employment—Appeal to deputy commissioner—Medical evidence—Evidence given in previous reported decisions of other commissioners—Whether capable of constituting independent evidence in instant case—Nature of hearing before commissioner—Whether strict rules of evidence applicable—Natural justice—Rules of—Whether breach—National Insurance (Industrial Injuries) Act, 1946, ss. 7 (1), 51 (1) (2)—National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations, 1948, regs. 22, 26.
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Moore,** C.A. [1965] 1 Q.B. 456; [1965] 2 W.L.R. 89.

Determination of claims

Assessor—Medical report—Practice—Natural justice—National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations, 1948, regs. 22 (6), 26 (1).
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Jones,** Divl.Ct. [1962] 2 Q.B. 677; [1962] 2 W.L.R. 1215.

Disablement benefit

Functions of statutory and medical authorities—Industrial injury—Local insurance officer finding incapacity due to heart condition—Disablement benefit—Medical authorities finding disablement due to hernia—Whether medical authorities prevented from finding different injury—" . . . decision of any claim . . . shall be final "—National Insurance (Industrial Injuries) Act, 1965, ss. 11 (1), 12 (1)—National Insurance Act, 1965, s. 75.
Reg. v. National Insurance Comr., *Ex parte* **Hudson,**
D.C. [1970] 1 Q.B. 477; [1969] 2 W.L.R. 639.
C.A. [1970] 1 Q.B. 477; [1970] 2 W.L.R. 182.

Industrial accident — Medical board's final assessment of disablement 20 per cent. — Minister's reference to Medical Appeal Tribunal as too high—Tribunal's discharge of board's award on ground of no loss of faculty from accident — Whether contrary to natural justice—Burden of proof—Whether on applicant—Tribunal's reasons ambiguous — Effect — National Insurance (Industrial Injuries) Act, 1965, ss. 12 (1), 48 (4) (5), Sch. 4—National Insurance (Industrial Injuries) (Determination of Claims and Questions) No. 2 Regulations, 1967.
Reg. v. Industrial Injuries Comr., *Ex parte* **Howarth,** C.A. (1968) 4 K.I.R. 621.

Medical authorities finding heart condition not relevant to accident—Burden of proof—Distinction between loss of faculty and disablement—When burden on applicant—National Insurance (Industrial Injuries) Act, 1965, s. 12 (1), Sch. 4.
Reg. v. National Insurance Comr., *Ex parte* **Jones,**
D.C. [1970] 1 Q.B. 477; [1969] 2 W.L.R. 647.
C.A. [1970] 1 Q.B. 477; [1970] 2 W.L.R. 182.

Fresh evidence

Increased disablement pension—Assessment of duration of disablement—Assessment of degree of disablement for life—Payment of increased pension—Application for continuance of increased pension—Whether statutory authorities bound by prognosis on claim for increase of disablement—Whether evidence of improvement or recovery admissible —" Relevant loss of faculty "—National Insurance (Industrial Injuries) Act, 1946, ss. 12, 14 (1), 36 (1) (*c*) (2) (as amended). **Reg. v. Industrial Injuries Comr.,** *Ex parte* **Ward,** Divl.Ct. [1965] 2 Q.B. 112; [1965] 2 W.L.R. 19.

Functions of statutory and medical authorities

Commissioners finding industrial injury—Subsequent application for disablement benefit—Scope of Medical Appeal Tribunal's jurisdiction—" Accident "—" Injury "—National Insurance (Industrial Injuries) Acts, 1946, ss. 7, 36.
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union,** *In re* **Dowling,** Divl.Ct. and C.A. [1967] 1 Q.B. 202; [1966] 2 W.L.R. 1301.
H.L.(E.) [1967] 1 A.C. 725; [1967] 2 W.L.R. 516.

Increase of disablement pension (" *special hardship allowance* ")

Chargeman ripper working 36-hour week—Eye injury—Work obtained as driver—66-hour week for lower wage—Calculation of " standard of remuneration "—Comparison of earning capacity—National Insurance (Industrial Injuries) Act, 1965, s. 14 (6).
Reg. v. National Insurance Comr., *Ex parte* **Mellors,** D.C. [1970] 2 W.L.R. 1208.

Injury " arising out of and in the course of employment "

Tests applicable—Workman injured in factory during hours of work—Accident while workman overstaying permitted tea break—Decision by industrial injuries commissioner that extension of permitted break interrupted course of employment—Industrial injuries benefit refused—Whether workman's conduct reasonably incidental to his employment —Whether decision of statutory authority erroneous in law—National Insurance (Industrial Injuries) Act, 1946, s. 7 (1) (4).
Reg. v. Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union (No. 2),** C.A. [1966] 2 Q.B. 31; [1966] 2 W.L.R. 97.

NATIONAL INSURANCE—*continued.*

Industrial injuries benefit—*continued.*

Special hardship allowance

Claimant working in Wrexham area—Incapacity to follow "regular occupation" as ripper—Employment obtained in Doncaster area as welder-burner—Wage rate higher in Doncaster than in Wrexham—Comparison of "probable standard of remuneration" in regular occupation and in "employments, if any, suitable in his case and which he is likely to be capable of following"—Whether standard of ripper in Doncaster applicable—Surrender of employment in Doncaster area for "domestic reasons"—Whether domestic reasons irrelevant to suitability of employment—National Insurance (Industrial Injuries) Act, 1946, s. 14 (1) (4) (as amended by National Insurance (Industrial Injuries) Act, 1948, s. 1).
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Humphreys,**
D.C. [1965] 2 Q.B. 412; [1965] 3 W.L.R. 456.
C.A. [1966] 2 Q.B. 1; [1966] 2 W.L.R. 63.

Insurable employment

Owner-driver

Contract to carry company's concrete—Payment on mileage basis—Exclusive use of vehicle for company's deliveries—Vehicle to be driven by owner but power to hire driver with company's consent—Company's rules to be complied with—Whether a "contract of service"—Whether owner-driver independant contractor—Whether "employed person"—National Insurance Act, 1965, ss. 1 (2), 3 (*b*).
Ready Mixed Concrete (South East) Ltd. v. Minister of Pensions and National Insurance, MacKenna J. [1968] 2 Q.B. 497; [1968] 2 W.L.R. 775.

Sales representative

Contract to sell company's typewriters—Declaration that sales representative self employed—Commission not salary paid—No expenses paid—Compliance with company's directions—Whether contract of service or for services—Whether sales representative "self employed" person—Whether insurable employment—National Insurance Act, 1946, s. 1 (2) (*b*)—National Insurance Act, 1965, s. 1 (2) (*b*)—National Insurance (Industrial Injuries) Act, 1946, s. 11, Sch. 1—National Insurance (Industrial Injuries) Act, 1965, s. 1, Sch. 1. **Willy Scheidegger Swiss Typewriting School (London) Ltd. v. Minister of Social Security,** Megaw J. (1968) 5 K.I.R. 65.

Solicitor's articled clerk

Articles providing for clerk's reimbursement of actual cost of travel to office and lunches whilst in attendance only—Whether clerk "gainfully occupied in employment"—National Insurance Act, 1965, s. 1 (2) (*a*).
In re **J. B. Griffiths, Quinn & Co.,** Cooke J. (1968) 5 K.I.R. 128.

Trade union sick steward

Union members liable to be called on to serve as sick steward—Duties defined by union rules—Whether sick steward an "agent"—National Insurance (Industrial Injuries) Act, 1946, s. 1, Sch. 1, Pt. I, 1—National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Regulations, 1948, Sch. 2, Pt. II.
Amalgamated Engineering Union v. Minister of Pensions and National Insurance, Megaw J. [1963] 1 W.L.R. 441.

Trapeze artiste

Injured during circus performance—Whether entitled to industrial injury benefit—Whether a "contract of service"—National Insurance (Industrial Injuries) Act, 1946, s. 1, Sch. 1, Pt. I, 1. **Whittaker v. Minister of Pensions and National Insurance,** Mocatta J. [1967] 1 Q.B. 156; [1966] 3 W.L.R. 1090.

Unemployment benefit

Trade dispute

"Directly interested in"—Demarcation dispute between platers and shipwrights—Stoppage of work—No part taken by platers' helpers—Amount of work available for platers' helpers substantially affected by outcome—Whether platers' helpers had interest in dispute—Whether entitled to unemployment benefit—National Insurance Act, 1946, s. 13 (1). **Punton v. Ministry of Pensions and National Insurance (No. 2),**
Phillimore J. [1963] 1 W.L.R. 1176.
C.A. [1964] 1 W.L.R. 226.

NATIONAL TRUST. *See* RESTRICTIVE COVENANT (**Modification**).

NATIONALITY

Colonial immigration ordinance

Validity

Regulation of entry into and residence in colony—Not repugnant to Imperial Act extending to colony and conferring citizenship of "United Kingdom and Colonies"—Colonial Laws Validity Act, 1865, s. 2—British Nationality Act, 1948, s. 12—Immigration Ordinance (Fiji), No. 33 of 1947, s. 8
Thornton v. The Police, P.C. [1962] A.C. 339; [1962] 2 W.L.R. 1141.

NATURAL JUSTICE. (*See also* TRIBUNAL.)

Adjournment, refusal of

Evidence

Medical question—Consultant's report called for by medical appeal tribunal—Report of other consultant obtained by applicant—Whether duty of tribunal to admit—Refusal of adjournment to enable applicant's consultant's report to be produced—Adjournment refused on ground that no useful purpose would be served—Whether error of law.
Reg. v. Medical Appeal Tribunal (Midland Region), *Ex parte* **Carrarini,** Edmund Davies J. [1966] 1 W.L.R. 883.

Order of penal nature

Magistrates' court—Order giving custody of child to mother and access to father—Father's complaint of breach of access provision—Mother's application for adjournment refused—Application made at last moment—Reasons unconvincing—Adjournment refused and fine imposed—Whether natural justice required adjournment—Whether refusal reasonable exercise of discretion—Magistrates' Courts Act, 1952, s. 54 (3).
In re **M. (An Infant),** D.C. [1968] 1 W.L.R. 1897.

Alien

Refusal of extension of stay

Applicability of rules of natural justice—Whether right of hearing.
Schmidt v. Secretary of State for Home Affairs, Ungoed-Thomas J. and C.A. [1969] 2 Ch. 149; [1969] 2 W.L.R. 337.

Company

Investigation of affairs

Whether doctrine applicable—Board of Trade inspectors—Duty to act fairly—Companies Act, 1948, ss. 165, 167, 168 (2) (*a*).
In re **Pergamon Press Ltd.,** C.A. [1970] 3 W.L.R. 792.

Whether doctrine applicable

Company limited by guarantee—Articles of association empowering council by resolution to request resignation of member—Whether need to observe principles of natural justice—Duty of directors to act bona fide in interests of company and its members.
Gaiman v. National Association for Mental Health, Megarry J. [1970] 3 W.L.R. 42.

Error in matter of law

Whether contrary to natural justice

Whether capable of being so contrary—Construction by Minister of undertaking.
Reg. v. Minister of Transport, *Ex parte* **W. H. Beech-Allen Ltd.,** Divl.Ct. (1964) 62 L.G.R. 76.

Evidence

Admissibility

Whether technical rules applicable—Appeal to deputy industrial industries commissioner—Medical evidence given in previous reported decisions—Whether admission breach of rules of natural justice—Assurance given by deputy commissioner at commencement of hearing that he would not decide appeal on evidence given in other cases—Whether binding. **Reg. v. Deputy Industrial Injuries Comr.,** *Ex parte* **Moore,** C.A. [1965] 1 Q.B. 456; [1965] 2 W.L.R. 89.

Heard in absence of parties

Claim to industrial injuries benefit—Medical report on oral evidence—Parties not notified thereof. **Reg. v. Deputy Industrial Injuries Comr.,** *Ex parte* **Jones,** Divl.Ct. [1962] 2 Q.B. 677; [1962] 2 W.L.R. 1215.

Town planning inquiry

Whether technical rules applicable—Sworn and unsworn evidence—Letter admitted as evidence—Untested by cross-examination—Whether contrary to natural justice—Whether inspector's notes should be produced.
T. A. Miller Ltd. v. Minister of Housing and Local Government, D.C. (1967) 66 L.G.R. 285; C.A. [1968] 1 W.L.R. 992.

Fraud as to jurisdiction

Divorce

Foreign decree obtained by fraud as to jurisdiction—Whether contrary to natural justice.
Middleton v. Middleton, Cairns J. [1967] P. 62; [1966] 2 W.L.R. 512.

Immigration officer

Refusal of admission to immigrant

Applicability of rules of natural justice.
In re **H. K. (An Infant),** Divl.Ct. [1967] 2 Q.B. 617; [1967] 2 W.L.R. 962.

Justice must be seen to be done. *See* JUSTICE, ETC.

Open court. *See* OPEN COURT.

NATURAL JUSTICE—*continued.*

Opportunity to meet charge

Civil litigation

Grave charges against defendant—Foreign defendant ignorant of English—Opportunity to engage interpreter to present own case and attack opponent's case to be given—Right not to be imposed.
In the Estate of Fuld, decd. (No. 2), Scarman J. [1965] 1 W.L.R. 1336.

Contempt

Summary conviction of witness for perjury—Ceylon.
Appuhamy v. The Queen, P.C. [1963] A.C. 474; [1963] 2 W.L.R. 375.

Custody issue

Welfare officer interviewed by judge in private.
Fowler v. Fowler and Sine, C.A. [1963] P. 311; [1963] 2 W.L.R. 155.

Determination whether prima facie case

Revenue—Tribunal appointed under Finance Act, 1960, s. 28—Consideration whether prima facie case of tax advantage—Whether taxpayer entitled to be heard or to correct counter-statement—Whether principles of natural justice applicable—Finance Act, 1960, s. 28 (5). **Wiseman v. Borneman,** C.A. [1968] Ch. 429; [1968] 2 W.L.R. 320.
H.L.(E.) [1969] 3 W.L.R. 706.

Disablement benefit

Reference by Minister.
Reg. v. Industrial Injuries Comr., *Ex parte* **Howarth,** C.A. (1968) 4 K.I.R. 621.

Disclosure of evidence

Notes of evidence of previous proceedings between the parties considered by justices after retirement. **Brinkley v. Brinkley,** Divl.Ct. [1965] P. 75; [1963] 2 W.L.R. 822.

Right of party to see and challenge all information put before judge—Ward of court—Confidential report by Official Solicitor.
***In re* K. (Infants),** C.A. [1963] Ch. 381; [1962] 3 W.L.R. 1517.
H.L.(E.) [1965] A.C. 201; [1963] 3 W.L.R. 408.

Dismissal of municipal employee

Whether rules of natural justice applicable—Singapore.
Pillai v. Singapore City Council, P.C. [1968] 1 W.L.R. 1278.

Dismissal of public servant

Chief constable dismissed by watch committee after acquittal on criminal charge—Censure of conduct at trial—No hearing—Whether dismissal an administrative act.
Ridge v. Baldwin, Streatfeild J. [1963] 1 Q.B. 539; [1961] 2 W.L.R. 1054.
C.A. [1963] 1 Q.B. 539; [1962] 2 W.L.R. 716.
H.L.(E.) [1964] A.C. 40; [1963] 2 W.L.R. 935.

Police disciplinary proceedings—Findings of board of inquiry furnished to adjudicating officer but not to accused police officer—Constitution of the Federation of Malaya, art. 135 (2). **Kanda v. Govt. of Malaya,** P.C. [1962] A.C. 332; [1962] 2 W.L.R. 1153.

Divorce

Undefended petition alleging that children children of family—Evidence at hearing that not children of family—Right of other spouse and children to be heard.
Hodgkins v. Hodgkins, C.A. [1965] 1 W.L.R. 1448.

Undefended petition amended to allege husband not father of child.
S. v. S. (1964), C.A. [1965] 1 W.L.R. 21.

Expulsion from trade union

Adjourned hearing—Accused not present at adjourned hearing—Finding of more serious charge than those already preferred—Need for notice—No need to prove prejudice.
Annamunthodo v. Oilfield Workers' Trade Union, P.C. [1961] A.C. 945;
[1961] 3 W.L.R. 650.

Member not summoned to meeting—Want of natural justice—Member present at full rehearing by appeals council—Whether earlier want of natural justice cured.
Leary v. National Union of Vehicle Builders, Megarry J. [1970] 3 W.L.R. 434.

Whether rules of natural justice implied in contract with member.
Lawlor v. Union of Post Office Workers, Ungoed-Thomas J. [1965] Ch. 712;
[1965] 2 W.L.R. 579.

Extraditable offence

Conviction abroad in defendant's offence—No knowledge of initiating process, trial or conviction—Application for extradition—Whether certificate of conviction conclusive—Court's power to inquire whether contrary to natural justice.
Reg. v. Governor of Brixton Prison, *Ex parte* **Kotronis,** D.C. [1969] 3 W.L.R. 528.

NATURAL JUSTICE—*continued.*

Opportunity to meet charge—*continued.*

Ministerial exercise of power

Dissolution of municipal council—Whether Minister's order a nullity or voidable—Ceylon.
Durayappah v. Fernando, P.C. [1967] 2 A.C. 337; [1967] 3 W.L.R. 289.

Notice of proceedings

Company—Notice of intention to acquire shares—Application by shareholder for relief—Palatine Court of Lancaster—Service out of jurisdiction—Whether submission by acquiring company to jurisdiction.
In re **Samuel Heap & Son Ltd.,** C.A. [1965] 1 W.L.R. 1458.

Political party

Rule empowering "disaffiliation of an organisation or expulsion of an individual"—Whether excluding application of principles of natural justice—Whether principles applicable to suspension—Suspension of activities of constituency association and powers of officers—Requirement of re-organisation of association—Leading dissident members required to give undertakings of loyalty—Notices of re-organisation meetings given only to members giving undertakings—Validity of meetings—Whether contrary to natural justice. **John v. Rees,** Megarry J. [1970] Ch. 345; [1969] 2 W.L.R. 1294.

Recognisances to keep peace

Witness bound over to keep peace—No opportunity of being heard.
Sheldon v. Bromfield Justices, Divl.Ct. [1964] 2 Q.B. 573; [1964] 2 W.L.R. 1066.

Registration as citizen

Investigations into authenticity of document—Report of investigating officer not disclosed to applicant—Whether compliance with principles of natural justice—Ceylon.
Shareef v. Comr. for Registration of Indian and Pakistani Residents,
P.C. [1966] A.C. 47; [1965] 3 W.L.R. 704.

Revenue

Tribunal appointed under Finance Act, 1960, s. 28—Consideration whether prima facie case of tax advantage—Whether taxpayer entitled to be heard—Finance Act, 1960, s. 28. **Wiseman v. Borneman,** Pennycuick J. [1968] Ch. 334; [1967] 3 W.L.R. 1372.

Architect's notice that contractor failed to proceed "regularly and diligently"—Whether rules of natural justice applicable.
Hounslow London Borough Council v. Twickenham Garden Developments Ltd.,
Megarry J. [1970] 3 W.L.R. 538.

Right to be heard

Claim for redundancy payment—Claimant's unavoidable absence from tribunal—Tribunal's failure to adjourn—Whether improper exercise of discretion—Whether substantial wrong occasioned—R.S.C. (Rev. 1965), Ord. 55, r. 7 (7).
Priddle v. Fisher & Sons, D.C. [1968] 1 W.L.R. 1478.

Submission by counsel of no case in law rejected—Right to address court on facts—Husband and wife—Justices—Desertion.
Disher v. Disher, Divl.Ct. [1965] P. 31; [1964] 2 W.L.R. 21.

University—Examining body with discretion to request student's withdrawal on failed examination—Student failing examination—Consideration of matters extraneous to examination results—Matters within student's knowledge—Whether natural justice demanding opportunity for student to be heard before final decision given—Audi alteram partem—Student unheard, requested to withdraw—Whether breach of rules of natural justice. **Reg. v. Aston University Senate,** *Ex parte* **Roffey,**
D.C. [1969] 2 Q.B. 538; [1969] 2 W.L.R. 1418.

Right to be informed of charge

Ceylon—Minister—Quasi-judicial decision. **Maradana Mosque Trustees v. Mahmud,**
P.C. [1967] 1 A.C. 13; [1966] 2 W.L.R. 921.

Right to be represented

Domestic tribunal—Appeal—Rule precluding legal representation—Validity.
Enderby Town Football Club Ltd. v. Football Association Ltd.,
C.A. [1970] 3 W.L.R. 1021.

————————Oral hearing—Matter affecting livelihood or reputation—Right to legal representation. **Pett v. Greyhound Racing Association Ltd.,**
C.A. [1969] 1 Q.B. 125; [1968] 2 W.L.R. 1471.
Pett v. Greyhound Racing Association Ltd. (No. 2),
Lyell J. [1970] 1 Q.B. 46; [1969] 2 W.L.R. 1228.
Pett v. Greyhound Racing Association Ltd. (No. 2) (Note),
C.A. [1970] 1 Q.B. 67; [1970] 2 W.L.R. 256.

Petition for declaration of validity of second marriage—Right of first spouse to be heard—Necessity for service of petition on first spouse.
Kunstler v. Kunstler, Baker J. [1969] 1 W.L.R. 1506.

NATURAL JUSTICE—*continued.*

Opportunity to meet charge—*continued.*

Right to comment on or contradict evidence

Evidence technically inadmissible. **Reg. v. Deputy Industrial Injuries Comr.,** *Ex parte* **Moore,** C.A. [1965] 1 Q.B. 456; [1965] 2 W.L.R. 89.

Solicitor

Disciplinary tribunal—Singapore. **Lau Miat Meng v. Disciplinary Committee,** P.C. [1968] A.C. 391; [1967] 3 W.L.R. 877.

Investigation by Law Society of complaint—Whether judicial proceeding—Whether natural justice requires solicitor to be told details of complaint.
Parry-Jones v. Law Society, C.A. [1969] 1 Ch. 1; [1968] 2 W.L.R. 397.

Solicitor, personal liability for costs

Order by High Court that solicitor should personally pay costs consequent on unmeritorious defence before justices—No fair notice of allegations against him.
Abraham v. Jutsun, C.A. [1963] 1 W.L.R. 658.

Traffic regulation

Order prohibiting access to houses by vehicular traffic—Council's reasons for making order unknown to house owners—General objections by them to Minister—Minister in possession of detailed reasons from council and their comments on general objections, also road engineer's report—Whether persons affected entitled to see documents—Confirmation of order without public inquiry—Whether breach of rules of natural justice—Road Traffic Regulation Act, 1967, s. 2 (2).
Reg. v. Secretary of State for Wales, *Ex parte* **Green,** D.C. (1969) 67 L.G.R. 560.

Prosecutor, to

Right to withhold information

Charge of perjury.
Reg. v. Aylesbury Justices, *Ex parte* **Wisbey,** Divl.Ct. [1965] 1 W.L.R. 339.

Quasi-judicial decision

Local authority

Payment for well-maintained house under clearance order—Whether to owner or tenant—Duty to give opportunity of making representations—Housing Act, 1957, s. 60 (2).
Hoggard v. Worsbrough Urban District Council, Winn J. [1962] 2 Q.B. 93; [1962] 2 W.L.R. 676.

Refusal of adjournment

Revenue

Taxpayer unfit to give evidence before general commissioners—Substantial injustice—Mistrial—Fresh hearing ordered before different panel of commissioners—Income Tax Act, 1952, s. 64 (6). **Rose v. Humbles,** Buckley J. [1970] 1 W.L.R. 1061.

Statutory board

Duty to be fair

Gaming Board—Suitability of applicants for gaming licences—Duty to have regard "only" to specified matters of suitability—Confidential information received by board—Applicants interviewed—Matters troubling board disclosed to them—Opportunity to know and answer case—Board's refusal to disclose sources of information or give reasons for refusal of certificate—Whether board acting fairly—Gaming Act, 1968, Sch. 2, para. 4 (5) (6).
Reg. v. Gaming Board for Great Britain, *Ex parte* **Benaim and Khalda,** C.A. [1970] 2 Q.B. 417; [1970] 2 W.L.R. 1009.

Trade union

Whether doctrine applicable

Dismissed official's appeal—Capacity as official and member of union—Whether union committee acting in judicial capacity.
Taylor v. National Union of Seamen, Ungoed-Thomas J. [1967] 1 W.L.R. 532.

Trade union rules

Inapplicability of doctrine

Unconscionable rule.
Faramus v. Film Artistes' Association, C.A. [1963] 2 Q.B. 527; [1963] 2 W.L.R. 504.
H.L.(E.) [1964] A.C. 925; [1964] 2 W.L.R. 126.

Whether doctrine applicable

Expulsion. **Hiles v. Amalgamated Society of Woodworkers,** Stamp J. [1968] Ch. 440; [1967] 3 W.L.R. 896.

Expulsion from union—Whether member entitled to opportunity to meet charge.
Lawlor v. Union of Post Office Workers, Ungoed-Thomas J. [1965] Ch. 712; [1965] 2 W.L.R. 579.

NATURAL JUSTICE—*continued.*

Witness

Presence in court

Whether unnatural—Discretion of court.
Moore v. Lambeth County Court Registrar, C.A. [1969] 1 W.L.R. 141.

NEGLIGENCE. (*See also* OCCUPIERS' LIABILITY.)

Act within scope of employment. *See* VICARIOUS LIABILITY.

Animal straying. *See* ANIMAL.

Bailee, by. *See* BAILMENT.

Burden of proof

Bailment

Res ipsa loquitur—Motor accident—Hired motor van—Van not defective when hired—Sudden swerve while bailee driving at speed—Bailee unable to explain accident—Evidence of bailee denying negligence accepted by judge—Erroneous finding of cause of accident—Whether denial of negligence sufficient to rebut inference raised by facts.
Ludgate v. Lovett, C.A. [1969] 1 W.L.R. 1016.

Latent defect

Defendants' failure to call evidence—Fall of piece of machine—Metal fatigue not discoverable on inspection—Use of secondhand machine for six years without trouble—Whether burden on defendants to show reasonable precautions taken.
Pearce v. Round Oak Steel Works Ltd., C.A. [1969] 1 W.L.R. 595.

Motor vehicle—Brake failure causing collision—Failure caused by latent defect in hydraulic pipe—Standard practice to examine pipe in situ—Part of pipe not visible unless removed—Evidence of maintenance but not of use made of vehicle—Whether established that reasonable care taken.
Henderson v. Henry E. Jenkins & Sons, C.A. [1969] 2 Q.B. 188; [1969] 2 W.L.R. 147.
H.L.(E.) [1970] A.C. 282; [1969] 3 W.L.R. 732.

Res ipsa loquitur

Collapse of crane—Negligence disproved.
Swan v. Salisbury Construction Co. Ltd., P.C. [1966] 1 W.L.R. 204.

Disappearance of chattel (aircraft) and bailee—Claim in negligence against bailee's executor—Explanation that loss could have occurred without negligence—Applicability of res ipsa loquitur doctrine. **National Trust Co. Ltd. v. Wong Aviation Ltd.,** Canada Supreme Ct. [1969] 2 Lloyd's Rep. 340.

Explosion caused by escape of gas from underground metal gas main—Expert evidence that fracture of pipe due to frost—Pipe in good condition—No reasonable steps available to safeguard public from consequence of such fractures—Negligence not established.
Pearson v. North Western Gas Board, Rees J. [1968] 2 All E.R. 669.

Causation. *See* CAUSATION.

Child

Injury to. (*See also* OCCUPIERS' LIABILITY.)

Firearm—Injuries caused by mentally retarded boy with air gun—Liability of parent.
Gorely v. Codd, Nield J. [1967] 1 W.L.R. 19.

Railway—Trespassing child injured—Railway trolley being driven without reasonable care—Trespasser not foreseeable—Extent of duty.
Videan v. British Transport Commission, C.A. [1963] 2 Q.B. 650; [1963] 3 W.L.R. 374.

School. *See* EDUCATION (**Negligence**; *School*).

Common employment

Contributory negligence

Security officer's hand trapped in closing MacGregor hatch—Negligence of fellow-employee—Liability of employers.
Hopkins v. Shaw Savill & Albion Co. Ltd., Roskill J. [1968] 1 Lloyd's Rep. 103.

Dock worker

Dock worker injured when his mate released scaleboard they were lifting together—Liability of employers.
Barrett v. Hay's Wharf Ltd., Thompson J. [1968] 2 Lloyd's Rep. 491.

Stevedore injured by case tipped over by stevedore employed by defendants—Failure to look before tipping—Liability of defendants.
Cheesman v. Furness, Withy & Co. Ltd., Paull J. [1969] 1 Lloyd's Rep. 315.

NEGLIGENCE—*continued.*

Contract

Exemption clause. See CONTRACT (**Exceptions clause**).

Contractor. (*See also* OCCUPIERS' LIABILITY.)

Duty to licensee

Stevedores using shippers' shed—Soda ash on floor—Floor slippery—Licensee delivering chemicals to shed—Instructions by stevedores where to place chemicals—Injury to licensee—Stevedore's liability.
Johnson v. Rea Ltd., C.A. [1962] 1 Q.B. 373; [1961] 1 W.L.R. 1400.

Duty to sub-contractors' workmen

Skilled man sent to do blasting work—Fall at site—Contractors' duty as occupiers—Occupiers' Liability Act, 1957, s. 2 (1) (2).
Savory v. Holland & Hannen & Cubitts (Southern) Ltd., C.A. [1964] 1 W.L.R. 1158.

Fire precautions

Fire damage to factory during contractors' welding operations—Liability of contractors—Whether contractors' servants negligent.
Dunlop Rubber Co. Ltd. v. William Press & Son Ltd., Nield J. [1970] 2 Lloyd's Rep. 191.

Contributory negligence. (*See also* JOINT TORTFEASORS; STATUTORY DUTY.)

Apportionment

Building foreman injured on site—Apportionment of 80 per cent. blame to foreman—Substantial misjudgment by trial judge of factual basis on which assessment made—Variation of apportionment by appellate court.
Jennings v. Norman Collison (Contractors) Ltd., C.A. [1970] 1 All E.R. 1121.

Employers in breach of statutory duty—Workman falling through unfenced hatch—Hold in complete darkness—Workman aware of danger—Whether workman inadvertent or negligent—Whether apportionment to be varied—Standard applicable in judging workman's momentary error.
Mullard v. Ben Line Steamers Ltd., C.A. [1970] 1 W.L.R. 1414.

——————————Workman standing too near crane—Aware of danger—Whether workman inadvertent or negligent—Whether apportionment to be varied. **Ball v. Richard Thomas & Baldwins Ltd.**, C.A. [1968] 1 W.L.R. 192.

Sub-apportionment of liability where damage caused partly by claimant's intervening negligence. **The Calliope**, Brandon J. [1970] P. 172; [1970] 2 W.L.R. 991.

Breach of implied term to supply equipment for independent contractor's building work

Contractor's use of makeshift ladder in absence of proper equipment—Resulting accident partly his fault—Action based on contract claiming damages for personal injuries—Whether defeated by contributory negligence—Law Reform (Contributory Negligence) Act, 1945, s. 1 (1). **Quinn v. Burch Bros. (Builders) Ltd.**, Paull J. [1966] 2 Q.B. 370; [1966] 2 W.L.R. 430.

Causation

Test of workman's liability—Act by employee not to save trouble to himself but to carry on employer's business.
Machray v. Stewarts and Lloyds Ltd., McNair J. [1965] 1 W.L.R. 602.

Child

Test—Boy of 7 running across road from behind parked van—Collision with motor bicycle—Whether contributory negligence.
Jones v. Lawrence, Cumming-Bruce J. [1969] 3 All E.R. 267.

Whether capable of—Test—Girl of 13½ crossing busy main road—Beckoned by lorry driver to cross—Injured by oncoming car—Whether child blameworthy.
Gough v. Thorne, C.A. [1966] 1 W.L.R. 1387.

Drunken servant

Duty of care—Ship's steward scalded in shower—Whether steward's ability impaired by drink—Liability of shipowners.
Foulder v. Canadian Pacific Steamships Ltd., Caulfield J. [1968] 2 Lloyd's Rep. 366.

Duty owed by injured party

Descending staircase in dark—Duty to act carefully—Death of injured party—Whether contributory negligence. **Wheat v. E. Lacon & Co. Ltd.,**
C.A. [1966] 1 Q.B. 335; [1965] 3 W.L.R. 142.
H.L.(E.) [1966] A.C. 552; [1966] 2 W.L.R. 581.

Volenti non fit injuria. See VOLENTI NON FIT INJURIA.

NEGLIGENCE—*continued.*

Contributory negligence—*continued.*

Workman, by

Plaintiff workman crushed by guide car in steelworks—Movement of car without warning after plaintiff discharged from car to repair another vehicle—Car driver's admitted negligence—Plaintiff's assumption that guide car would not be moved—Whether assumption justified—Whether failure to keep a proper look out—Whether contributory negligence. **Wright v. Richard Thomas & Baldwins Ltd.**, C.A. (1966) 1 K.I.R. 327.

Damages. *See* DAMAGES.

Dangerous premises. *See* OCCUPIERS' LIABILITY.

Dangerous thing. *See* RYLANDS *v.* FLETCHER.

Duty of care to whom? (*See also* **Tort.**)

Advocate

Barrister—Conduct of case in court—Whether client may sue for negligence.
Rondel v. Worsley, Lawton J. [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300.
C.A. [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950.
H.L.(E.) [1969] 1 A.C. 191; [1967] 3 W.L.R. 1666.

Animal. (*See also* ANIMAL.)

Public footpath across field—Playful filly in field—Injury to walker on footpath across field—Whether owner of horse liable.
Fitzgerald v. E. D. and A. D. Cooke Bourne (Farms) Ltd., C.A. [1964] 1 Q.B. 249; [1963] 3 W.L.R. 522.

Architect

Duty to workman—Dangerous wall left on building site—Reliance on advice of careless demolition contractors—Dangerous condition of wall apparent on proper inspection—Subsequent careless examination of wall by builders—Building labourer injured by collapse of wall—Duty of care owed by architect or demolition contractors to building labourer—Whether builders negligent.
Clay v. A. J. Crump & Sons Ltd., C.A. [1964] 1 Q.B. 533; [1963] 3 W.L.R. 866.

Bailees for reward

No contractual relationship between bailees and owners of goods—Goods carried by contractors to order of forwarding agents under contract with owners to deliver goods—Goods stolen in transit owing to negligent conduct of bailees' servant—Whether bailees liable to owners for loss of goods.
Lee Cooper Ltd. v. C. H. Jeakins & Sons Ltd., Marshall J. [1967] 2 Q.B. 1; [1965] 3 W.L.R. 753.

Banker. *See* BANKING.

Blind person

Excavation in pavement—Excavation guarded by sloping handle of punner-hammer—Guard sufficient for sighted person—Blind person tripped up by handle and injured—Ambit of duty owed to pedestrians.
Haley v. London Electricity Board, C.A. [1964] 2 Q.B. 121; [1964] 2 W.L.R. 444.
H.L.(E.) [1965] A.C. 778; [1964] 3 W.L.R. 479.

Borstal institution

Absconders causing damage to private yacht—Statutory scheme for training young offenders to become good citizens—Scheme requiring minimum restraint compatible with maintaining discipline and order — Liability of Home Office — Whether public policy requiring immunity from action—Discretion in running of Borstal system.
Dorset Yacht Co. Ltd. v. Home Office, C.A. [1969] 2 Q.B. 412; [1969] 2 W.L.R. 1008.
H.L.(E.) [1970] A.C. 1004; [1970] 2 W.L.R. 1140.

Careless misrepresentation

Architect—Bricklayer's suggested variation of contract owing to difficulty in carrying out work—Architect's refusal—Statement to bricklayer that contract to be adhered to—Injury to bricklayer—Absence of contractual relationship between architect and bricklayer—Whether duty of care owed by architect to bricklayer.
Clayton v. Woodman & Son (Builders) Ltd., Salmon J. [1962] 2 Q.B. 533; [1961] 3 W.L.R. 987.
C.A. [1962] 2 Q.B. 533; [1962] 1 W.L.R. 585.

Bankers—References given by bankers financing company in precarious financial state—Communicated to plaintiffs inquiring about its credit-worthiness—Company unable to trade without bankers' assistance—Whether a special relationship creating duty of care—Whether action against bankers maintainable.
Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd., C.A. [1962] 1 Q.B. 396; [1961] 3 W.L.R. 1225.
H.L.(E.) [1964] A.C. 465; [1963] 3 W.L.R. 101.

NEGLIGENCE—*continued.*

Duty of care to whom?—*continued.*

Careless misrepresentation—continued.

Gratuitous information and advice—Insurance company giving inquirer information and advice as to financial affairs of associated company—Inquirer investing money—Loss of investments—Whether duty of care owed to inquirer—Whether inquirer having cause of action. **Mutual Life and Citizens' Assurance Co. Ltd. v. Evatt,** Australia High Ct. [1969] 1 Lloyd's Rep. 535.

Local land charges—Negligent search in local land charges registry by employee of local authority—Certificate issued to intending purchasers of land omitting compensation notice—Duty of care owed by employee—Extent of—Whether breach—Whether local authority vicariously liable. **Ministry of Housing and Local Government v. Sharp,** C.A. [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802.

Child, injury by

Football—Land used by young children to play with owner's permission—Ball kicked into highway—Motor-cyclist caused to fall off—Whether landowner liable. **Hilder v. Associated Portland Cement Manufacturers Ltd.,** Ashworth J. [1961] 1 W.L.R. 1434.

Child, injury to

Trespassing child injured on railway track—Railway trolley being driven without reasonable care—Trespasser not foreseeable—Extent of duty. **Videan v. British Transport Commission,** C.A. [1963] 2 Q.B. 650; [1963] 3 W.L.R. 374.

Contractor

House constructed by contractors for local authority—Defect in construction—Injury to tenant's wife—Whether contractors liable. **Sharpe v. E. T. Sweeting & Son Ltd.,** Nield J. [1963] 1 W.L.R. 665.

Number of sub-contractors working on site—No provision for necessary safety precautions—Main contractor in overriding control—Sub-contractors' men working in close proximity to opening in roof—Fall of workman through unfenced opening—Whether contractors and sub-contractors liable. **McArdle v. Andmac Roofing Co.,** C.A. [1967] 1 W.L.R. 356.

Portable pneumatic grinding machine hired by sub-contractors from plant hire company—Plaintiff, employee of head contractors, given permission by sub-contractors to use machine—Plaintiff injured by grinding wheel of machine shattering—Speed of machine too fast for diameter of grinding wheel—Liability of sub-contractors and plant hire company. **Griffiths v. Arch Engineering Co. (Newport) Ltd.,** Chapman J. [1968] 3 All E.R. 217.

Farm employee, to

Foreseeability of injury—Rare disease contracted from contact with rats' urine—Whether duty of care—Whether risk foreseeable. **Tremain v. Pike,** Payne J. [1969] 1 W.L.R. 1556.

Foreseeability of injury

Real risk of small magnitude—Whether justifiable to neglect—Oil spilled on harbour waters—Fire—Foreseeability of consequences test of liability—Whether reasonable man would neglect risk. **Overseas Tankship (U.K.) Ltd. v. Miller Steamship Co. Pty.,** P.C. [1967] 1 A.C. 617; [1966] 3 W.L.R. 498.

Unexpected accident of foreseeable type—Work in roadway—Open manhole unguarded—Paraffin warning lamps—Child playing with lamps—Explosion—Injury to child—Duty of care to child. **Hughes v. Lord Advocate,** H.L.(Sc.) [1963] A.C. 837; [1963] 2 W.L.R. 779.

Unexpected accident of unforeseeable type—Inadvertent immersion of cement cover in cauldron—Not known to be dangerous—Explosion—Injury to workman standing near cauldron—Duty of care to workman. **Doughty v. Turner Manufacturing Co. Ltd.,** C.A. [1964] 1 Q.B. 518; [1964] 2 W.L.R. 240.

Illiterate employee

Inability to read safety notice—Whether duty on employers to ascertain employees' literacy. **James v. Hepworth & Grandage Ltd.,** C.A. [1968] 1 Q.B. 94; [1967] 3 W.L.R. 178.

Indirect loss

Auctioneer—Escape of virus—Foot and mouth disease in cattle—Minister's order closing markets—No sale of cattle by auction—Auctioneer not cattle owner—No proprietary interest in anything which could be damaged by escape—Whether duty owed to auctioneer. **Weller & Co. v. Foot and Mouth Disease Research Institute,** Widgery J. [1966] 1 Q.B. 569; [1965] 3 W.L.R. 1082.

Carriage of goods—Cargo damaged by shipowners' failure to fumigate vessel—Buyers acquiring title to goods by delivery orders subsequent to damage—Passing of risk in goods to buyers—Foreseeability—Whether action in tort against shipowners sustainable. **Margarine Union G.m.b.H. v. Cambay Prince Steamship Co. Ltd.,** Roskill J. [1969] 1 Q.B. 219; [1967] 3 W.L.R. 1569.

NEGLIGENCE—*continued.*

Duty of care to whom?—*continued.*

Intermediate inspection

Collapse of wall causing injury to building contractor's workman—Failure by (1) architect, (2) demolition contractor, (3) building contractor to examine safety of wall with due care—Whether each liable.
Clay v. A. J. Crump & Sons Ltd., C.A. [1964] 1 Q.B. 533; [1963] 3 W.L.R. 866.

Licensor and licensee

Railway—Level crossing—Licensee using level crossing—Inherently dangerous activity —Nature of duty.
Comr. for Railways v. McDermott, P.C. [1967] 1 A.C. 169; [1966] 3 W.L.R. 267.

Local land charges

Negligent search in local land charges registry by employee of local authority—Certificate issued to intending purchasers of land omitting compensation notice—Minister not recovering compensation—Whether employee under duty of care to Minister—Whether breach—Whether local authority vicariously liable.
Ministry of Housing and Local Government v. Sharp, Fisher J. [1969] 3 W.L.R. 1020.

Manufacturer

Building contractors' workmen damaging electricity cable—Resulting power failure in near-by factory—Damage to plant and materials—Loss of production—Reasonable foreseeability—Liability of contractors to factory owner for economic loss.
S.C.M. (United Kingdom) Ltd. v. W. J. Whittall & Son Ltd.,
Thesiger J. [1970] 1 W.L.R. 1017.
C.A. [1970] 3 W.L.R. 694.

Industrial estate served by electricity sub-station—Metal foil used by defendant's factory blown on to sub-station—Flash-over causing power failure in plaintiffs' factory—Damage to materials and loss of production—Reasonable foreseeability—Liability of defendants. **British Celanese Ltd. v. A. H. Hunt (Capacitors) Ltd.,** Lawton J. [1969] 1 W.L.R. 959.

Whether liable for negligence of agents.
Taylor v. Rover Co. Ltd., Baker J. [1966] 1 W.L.R. 1491.

Occupiers of factory

Duty to servant of independent contractor—Machinery left in potentially dangerous condition—Electrically-driven circular saw connected to main and switched on by electrician for the purpose of testing—Whether factory occupiers liable in negligence—Whether accident foreseeable.
Field v. E. E. Jeavons & Co. Ltd., C.A. [1965] 1 W.L.R. 996

Owner of neighbouring land

Excavations causing dewatering of neighbouring land and consequent settlement of buildings thereon—Liability of defendants.
Langbrook Properties Ltd. v. Surrey County Council, Plowman J. [1970] 1 W.L.R. 161.

Passenger on pleasure boat

Passenger falling overboard—Whether legal duty on boat owner to go to rescue—Standard of conduct applicable—Whether wrong procedure adopted for rescue attempt—Death of rescuer who dived in following abortive rescue attempts—Whether rescuer's conduct natural and probable result of boat owner's negligence—Whether early warning to rescuer by boat owner to confine himself to cockpit or cabin put rescuer's intervention beyond boat owner's reasonable contemplation—Volenti non fit injuria—Right of boat owner to limit liability—Ontario.
The Ogopogo, Supreme Ct. of Ontario [1969] 1 Lloyd's Rep. 374.
Ontario C.A. [1970] 1 Lloyd's Rep. 257.

Pedestrians

Pedestrian on pavement hit by projecting door handle of motor van—No contributory negligence on the part of pedestrian—Whether driver of motor van liable in negligence.
Watson v. Thomas S. Whitney & Co. Ltd., C.A. [1966] 1 W.L.R. 57.

Property

Damage to property—Consequential loss to plaintiffs who did not own the property damaged —Defendants damaged hydrant on industrial estate—Water supply cut off for repairs—Loss of a day's work at plaintiff's factory on same estate owing to water being cut off —Plaintiffs having no cause of action against defendants for negligence.
Electrochrome Ltd. v. Welsh Plastics Ltd., Geoffrey Lane J. [1968] 2 All E.R. 205.

Railway

Duty of passenger to porter—Moving train boarded by passenger—Porter struck by door opened by passenger—Liability of passenger.
Booker v. Wenborn, C.A. [1962] 1 W.L.R. 162.

Rescuer

Pleasure boat—Passenger falling overboard—Abortive rescue attempts—Death of guest on board after diving to rescue—Whether foreseeable.
The Ogopogo, Supreme Ct. of Ontario [1969] 1 Lloyd's Rep. 374.

NEGLIGENCE—*continued.*

Duty of care to whom?—*continued.*

Rescuer—continued.

Railway accident—Rescuer sustaining injury by shock—Whether duty of care owed to rescuer—Whether risk run by rescuer need be of kind run by persons rescued.
Chadwick v. British Railways Board, Waller J. [1967] 1 W.L.R. 912.

Railway trolley driven without reasonable care—Stationmaster killed in attempt to rescue son trespassing on railway track—Whether duty of care to rescuer—Whether presence of rescuer foreseeable—Whether independent right of action in rescuer when peril caused by trespasser. **Videan v. British Transport Commission,** C.A. [1963] 2 Q.B. 650; [1963] 3 W.L.R. 374.

Road traffic

Driver—Signal to another driver to pass stationary van—Collision—Whether negligent—Duty of driver receiving signal to exercise reasonable care.
Grange Motors (Cwmbran) Ltd. v. Spencer, C.A. [1969] 1 W.L.R. 53.

Flashing headlights—Invitation to another car driver to cross road.
Clarke v. Winchurch, C.A. [1969] 1 W.L.R. 69.

Safety consultants

Building contract—Consultants engaged by contractors—Failure to give advice which would have prevented accident to contractors' workman—Liability of consultants to workman—Apportionment of liability between contractors and consultants—Consultants' liability to contractors for damages for breach of contract.
Driver v. William Willett (Contractors) Ltd., Rees J. [1969] 1 All E.R. 665.

Ship's workman

Foreman scaler injured when he slipped on empty bottle on ship's deck—Liability of shipowners—Whether contributory negligence—Occupiers' Liability Act, 1957.
Bird v. King Line Ltd., Cantley J. [1970] 2 Lloyd's Rep. 349.

Shock

Death of husband—Negligence of driver of car—Wife seeing accident—Resulting nervous shock. **Hinz v. Berry,** C.A. [1970] 2 Q.B. 40; [1970] 2 W.L.R. 684.

Injury to child—Negligence of driver of motor vehicle—Child's father known to driver to be within earshot—Liability to father for shock—Whether father within area of contemplated danger.
Boardman v. Sanderson (Keel and Block Third Party), C.A. [1964] 1 W.L.R. 1317.

Railway accident—Negligence of defendants—Injury by shock to rescuer—Whether recovery of damages limited to cases of fear for one's own safety or that of one's children—Whether foreseeability of injury by shock necessary.
Chadwick v. British Railways Board, Waller J. [1967] 1 W.L.R. 912.

Startling crash—Railway employee examining carriages in shunting area—Exceptionally heavy crash caused by improper shunting practice—Crash startling employee—Whether foreseeable that somebody startled by crash—Employee injured as a result of stumbling—Whether reaction to being startled foreseeable—Negligence of employer.
Slatter v. British Railways Board, Sachs J. (1966) 1 K.I.R. 336.

Solicitor

Application for bench warrant for attendance of witness—Instructions to counsel—Whether liable to witness in action.
Roy v. Prior, C.A. [1970] 1 Q.B. 283; [1969] 3 W.L.R. 635.

Theft

Painter working on street door—Door left ajar during tea break—Theft of jewellery—Liability of painter's employer—Whether owner of jewellery contributorily negligent.
Petrovitch v. Callinghams Ltd., John Stephenson J. [1969] 2 Lloyd's Rep. 386.

Trunk road

Traffic sign—Erected by Ministry of Transport in too close proximity to verge—Foreseeability of danger to motorists—Duty of Ministry when siting signs.
Levine v. Morris, C.A. [1970] 1 W.L.R. 71.

University

Negligent examiner—No duty of care to undergraduate.
Thorne v. University of London, C.A. [1966] 2 Q.B. 237; [1966] 2 W.L.R. 1080.

Volunteer

Whether duty of master to servant extends to one who helps servant in his work.
Baxter v. Central Electricity Generating Board, Ashworth J. [1965] 1 W.L.R. 200.

Electricity. *See* ELECTRICITY.

Factory. *See* FACTORY.

NEGLIGENCE—*continued.*

Fire. (*See also* FIRE.)

Escape

Accidental fire started by lightning—Spread of fire through occupier's negligence in failing to put it out—Occupier's duty of care towards neighbour—Occupier's duty to remove or reduce hazard—Standard of care.
Goldman v. Hargrave, P.C. [1967] 1 A.C. 645; [1966] 3 W.L.R. 513.

Fire due to negligence of occupier—Fire started in cornice in eaves outside occupier's flat—Liability of occupier for escape of fire. **Sturge v. Hackett,** C.A. [1962] 1 W.L.R. 1257.

Foreseeable risk—Fire spreading from premises occupied only by night-watchman to adjacent building—Fire hazard—Claim in negligence and nuisance—Whether duty of care owed to owners of adjoining building.
Leong Bee & Co. v. Ling Nam Rubber Works, P.C. [1970] 2 Lloyd's Rep. 247.

Non-natural use of land—Whether onus on defendant to disprove negligence—Whether ineffectiveness of fire-fighting equipment provided to control or extinguish fire proof of culpable failure to provide more adequate equipment—Whether duty to maintain constant lookout for fire. **Mason v. Levy Auto Parts of England Ltd.,** MacKenna J. [1967] 2 Q.B. 530; [1967] 2 W.L.R. 1384.

Explosion of fire extinguishers

Alleged defective safety valve on fire extinguishers—Explosion of extinguishers allegedly causing fire to get out of control—Whether sellers exercised reasonable care in all circumstances—Whether subsequent damage too remote.
Sir Robert McAlpine & Sons Ltd. v. Minimax Ltd., Thesiger J. [1970] 1 Lloyd's Rep. 397.

Foreseeability of risk

Duty of care

Injury to shipyard employee when naphtha was poured on to open fire by fellow-employee—Whether employers should have foreseen risk and warned of dangerous nature of naphtha.
Callan v. Swan, Hunter & Wigham Richardson Ltd., C.A. [1968] 2 Lloyd's Rep. 75.

Hospital

Casualty department

Department provided and run by hospital management committee—Caller at department complaining of illness or injury—Relationship between committee and caller—Whether relationship "close and direct"—Whether duty of care owed to caller by committee—Skill and care to be expected of nurse and casualty officer—Duty of casualty officer—Negligence by casualty officer—Caller complaining to nurse on duty and nurse reporting complaints to casualty officer by telephone—Casualty officer not seeing caller and advising by telephone that caller go home—Subsequent death of caller—Possibility of caller's death even if admitted to hospital when complaining—Whether causation of death by negligence established on balance of probabilities.
Barnett v. Chelsea and Kensington Hospital Management Committee, Nield J. [1969] 1 Q.B. 428; [1968] 2 W.L.R. 422.

Joint tortfeasors. *See* JOINT TORTFEASORS.

Limitation of action. *See* LIMITATION OF ACTION.

Master and servant. *See* MASTER AND SERVANT; VICARIOUS LIABILITY.

Occupier. *See* OCCUPIER'S LIABILITY.

Public works

Security

Breach of contract—Contract between local authority and warehouse owner for security work—Work to be performed by local authority's public works contractors—Incomplete work resulting in loss from warehousebreaking and larceny—Warehouse owner's action against local authority and contractors for breach of contract and negligence—Plea of negligence by local authority against contractors—Local authority's plea of contributory negligence by owner in not pursuing contractors to finish work—Whether available—Whether local authority in breach of contract because of contractors' negligence—Liability of local authority—Liability of contractors.
R. G. Stanners Ltd. v. High Wycombe Corpn., Melford Stevenson J. (1969) 67 L.G.R. 115.

Railway. *See* RAILWAY.

Remoteness of damage. *See* DAMAGES.

Res ipsa loquitur

Onus of proof

Steelworks—Oxygen hose catching fire—Violent explosion—Panic among workmen—Man injured in panic. **Colvilles Ltd. v. Devine,** H.L. (Sc.) [1969] 1 W.L.R. 475.

NEGLIGENCE—*continued.*

Road traffic. *See* ROAD TRAFFIC.

Rylands v. Fletcher. *See* RYLANDS *v.* FLETCHER.

Safe system of work

Access to place of work

Employer an independent contractor—Main contractor's failure to provide safe routes and tidy site—Duty of employer to complain.
Smith v. Vange Scaffolding & Engineering Co. Ltd., MacKenna J. [1970] 1 W.L.R. 733.

Gap between gangway and ship's rail—Single lifeline—Ship's steward killed when he fell overboard through gap—Liability of shipowners.
Philpott v. British Railways Board, Thesiger J. [1968] 2 Lloyd's Rep. 495.
C.A. [1969] 2 Lloyd's Rep. 190.

Obstructed passage-way on ship—Injury to stevedore—Liability of employers.
Attridge v. Hovey Antwerp Ltd., Blain J. [1968] 2 Lloyd's Rep. 597.

Ship—Ship's gangway placed athwartships as only route across deck—Injury to seaman while stepping off gangway—Whether step should have been provided from gangway to deck—Whether edge of gangway was jagged—Liability of employer.
Broaders v. James Fisher & Sons Ltd., James J. [1968] 1 Lloyd's Rep. 255.

Ship's cook drowned while returning to ship late at night—Inferences to be drawn from primary facts—Liability of shipowners—Effect of M.o.T. notice stating that nets should be rigged " when desirable."
Fowler v. British Railways Board, C.A. [1969] 1 Lloyd's Rep. 231.

Assistant, provision of

Man working alone in mine roadway—Danger of running vehicles—Knowledge of management that less danger if two men working together—Failure to provide assistant—Workman's failure to take precautions—Liability for accident.
Jones v. National Coal Board, Nield J. [1965] 1 W.L.R. 532.

Burden of proof

Railway—Appreciable known daily risk of danger to engine driver—Whether employer's liability depending on extent of risk and nature of necessity avoiding steps—Plaintiff adducing evidence of several feasible and reasonable possibilities for minimising risk—Whether onus on plaintiff to state specific possibility economically acceptable for adoption by employers—Whether employers negligent—Driver killed on misjudging precise position in relation to bridge—Whether contributory negligence.
McArthur v. British Railways Board, Eveleigh J. (1968) 6 K.I.R. 40.

Common practice

Turner injured while manually polishing work in lathe—Danger known to employers—Evidence of common practice—Whether employers liable in negligence.
Brown v. John Mills & Co. (Llanidloes) Ltd., C.A. (1970) 8 K.I.R. 702.

Dangerous premises

Modernisation of departmental store—Work supervised and carried out by experts—Electric cable supplied by manufacturer—Fire—Allegation that due to fault in cable or installation — Employer's liability for negligence of experts — Whether liable for manufacturer's negligence. **Sumner v. William Henderson & Sons Ltd.,** Phillimore J. [1964] 1 Q.B. 450; [1963] 2 W.L.R. 330.

Dangerous substance

Detergent—Workman required to work with detergents—Risk of dermatitis known to employer—Precautions taken—Whether adequate—Foreseeability—Employer's duty.
Yoller v. Schweppes (Home) Ltd., C.A. (1969) 7 K.I.R. 228.

Mineral oil—Scrotal cancer contracted by contact with oil—Developing medical knowledge of risks—Whether duty to warn—Whether duty to institute periodical medical examinations of workers—Duty of factory medical officer—Balance of risk and effect of precautions—Death of worker—Whether medical officer negligent—Liability of employers.
Stokes v. Guest, Keen and Nettlefold (Bolts and Nuts) Ltd., Swanwick J. [1968] 1 W.L.R. 1776.

Dangerous work

Employer teaching workman dangerous method of working—Workman injured when following procedure taught him—No other instruction or warning given of danger—Whether employer negligent—Lathe operator gaining experience from working for employer—Danger limit of protrusion for judgment of individual workman—Limit of safe protrusion exceeded by small distance—Whether contributory negligence.
Herton v. Blaw Knox Ltd., Willis J. (1968) 6 K.I.R. 35.

Employment of servant of another. *See* MASTER AND SERVANT.

NEGLIGENCE—*continued.*

Safe system of work—*continued.*

Experienced workman

Lifting operation at steelworks—Employer's failure to supply proper equipment for specific task—Less safe system adopted by workman in order to carry on work—Injury to workman—Cause of injury—Whether workman guilty of contributory negligence.
Machray v. Stewarts and Lloyds Ltd., McNair J. [1965] 1 W.L.R. 602.

Fencing

Overhead travelling ropeway over roof—No statutory duty to fence—Handrail three feet high—Gap of 18 inches—Whether warning demarcation on roof necessary.
Quintas v. National Smelting Co. Ltd., C.A. [1961] 1 W.L.R. 401.

General precautions

Building trade—Workman demolishing brickwork with hammer and chisel—Whether duty on employers to provide goggles—Reasonable conduct of building trade.
Hobbs v. C. G. Robertson Ltd., C.A. [1970] 1 W.L.R. 980.

Cleaning of printing machine by use of inching button—Hand drawn in when near moving part—Liability of employers.
Kelly v. John Dale Ltd., Winn J. [1965] 1 Q.B. 185; [1964] 3 W.L.R. 41.

Foreseeability of injury—Injury of unusual kind—Exposure to weather—Employee required to perform unusual task—Radio and television service engineer required to drive long distance to exchange vehicles—Extreme weather conditions—Cold weather and unheated vehicles resulting in cold injury ("frost-bite")—Whether frost-bite foreseeable injury.
Bradford v. Robinson Rentals Ltd., Rees J. [1967] 1 W.L.R. 337.

Illiterate workman—Metal spinning—Notice informing employees of availability of safety spats—Notice unintelligible to workman—Safety spats not worn—Employer's liability.
James v. Hepworth & Grandage Ltd., C.A. [1968] 1 Q.B. 94; [1967] 3 W.L.R. 178.

Injury to dock worker when he heaved at empty drum of oil believing it to be full—Whether employers should have warned of danger—Applicability of res ipsa loquitur doctrine—Liability of employers.
Campion v. Scruttons Ltd., C.A. [1968] 2 Lloyd's Rep. 469.

Injury to junior engineer and donkeyman in flash-back from ship's boiler—Previous unsuccessful attempts to ignite boiler—Foreseeability of injury—Res ipsa loquitur—Liability of shipowners.
McAdam v. J. & J. Denholm (Management) Ltd., C.A. [1968] 2 Lloyd's Rep. 511.

Injury by criminals

Whether duty of reasonable care not to expose servant to unnecessary risk of injury by criminals—Club stewardess—Injury in attempted robbery of takings—Stewardess accompanied by escort—Whether precautions reasonable.
Williams v. Grimshaw, Phillimore J. (1967) 3 K.I.R. 610.

———Rent collector—Robbery in room without barrier—Porter ordered to be in vicinity—Whether precautions reasonable.
Houghton v. Hackney Borough Council (Note), Diplock J. (1961) 3 K.I.R. 615.

Inspection of equipment

Electrical hand drill subject to vibration—Drill in common use—Workman injured because of loose screw—Defective cap—Drill in use for a year—Whether duty to inspect periodically.
Bell v. Arnott & Harrison Ltd., C.A. (1967) 2 K.I.R. 825.

Plant and equipment

Apparatus designed by employer—Unpredictable behaviour of apparatus known to employer—Employment of maintenance fitter to rectify fault—Fitter's reliance on employer's general assurance—Injury to fitter—Employer's general duty of care—Duty to design competently—Whether employer negligent.
McPhee v. General Motors Ltd., Lyell J. (1970) 8 K.I.R. 885.

Defective unloading device—Workmen providing hooks to assist unloading—Use of hooks known to employers—No instructions to workmen as to proper use—Workman injured while using hook—Whether negligent—Liability of employers.
Roy v. Co-ordinated Traffic Services, C.A. (1969) 6 K.I.R. 102.

Duty to provide—Building operation—Difficulty in finding suitable pulley blocks.
Machray v. Stewarts and Lloyds Ltd., McNair J. [1965] 1 W.L.R. 602.

———Delegation of duty by employers to competent and experienced foreman—Foreman using inadequate shackles for lifting load—Whether employers liable for injury to foreman when shackle broke.
Richardson v. Stephenson Clarke Ltd., Nield J. [1969] 1 W.L.R. 1695.

Electric cable—Fire caused by defect—Whether employer liable to employee for manufacturer's negligence. **Sumner v. William Henderson & Sons Ltd.**, Phillimore J. [1964] 1 Q.B. 450; [1963] 2 W.L.R. 330.

NEGLIGENCE—*continued.*

Safe system of work—*continued.*

Plant and equipment—*continued.*

Latent defect—Injury to workman's eye caused by tool with latent defect—Tool supplied by reputable manufacturer—Hardening negligently carried out by manufacturer's agents—Tool defective owing to excessive hardness—Employer's liability—Manufacturer's liability—Whether manufacturer liable for negligence of agents.
Taylor v. Rover Co. Ltd., Baker J. [1966] 1 W.L.R. 1491.

————Principle governing employer's liability.
Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd., H.L.(E.) [1961] A.C. 807; [1961] 2 W.L.R. 269.

Portable tool—Cutting wheel with partly uncovered revolving driving shaft—Experienced workman injured when tie entangled with shaft—Tie tucked in jacket—Whether exposed part of shaft a potential danger—Whether duty of employers to guard exposed part of revolving shaft. **Lovelidge v. Anselm Odling & Sons Ltd.**, Widgery J. [1967] 2 Q.B. 351; [1967] 2 W.L.R. 585.

Plumber, for

Sprinkler system—Ship's plumber's slip when water showered from sprinkler head—Res ipsa loquitur—Liability of employers/manufacturers of sprinkler head.
Camis v. Matthew Hall Mechanical Services Ltd., Milmo J. [1969] 1 Lloyd's Rep. 43.

Provision of experienced fellow workers

Inexperienced security officer—Alleged lack of supervision—Security officer's hand trapped in closing MacGregor hatch—Liability of employers—Contributory negligence.
Hopkins v. Shaw Savill & Albion Co. Ltd., Roskill J. [1968] 1 Lloyd's Rep. 103.

Quarry—Employers transporting workmen by barge across water to quarry—Access to place of work on bank by stepping above turning propeller—Worker slipping, injured by propeller—Whether breach of statutory duty to provide "safe means of access"—Whether negligence eliminates defence of impracticability—Worker before accident doing heavy work—Subsequently fit for light work only but earning substantially as much as before accident—Whether element in total award of damages—Mines and Quarries Act, 1954, ss. 109, 157.
Collier v. Hall & Ham River Co. Ltd., Waller J. (1968) 4 K.I.R. 628.

Railway. See RAILWAY.

Roadworks

Workman in gang resurfacing carriageway injured by lorry driving too fast—Warning signs in position—Whether employers negligent in not erecting barriers against passing traffic—No evidence of common practice of erecting barriers—Effect of suggested barriers to reduce traffic to one lane—Need to balance public interest against risk to workers on carriageway—Whether lorry wholly to blame.
Maher v. Hurst, C.A. (1969) 67 L.G.R. 367; 6 K.I.R. 95.

Safety device

Failure to provide—Accident—Death—Causal connection—Onus of proof—Factories Act, 1937, s. 26 (2).
McWilliams v. Sir William Arrol & Co. Ltd., H.L.(Sc.) [1962] 1 W.L.R. 295.

Self-employed worker

Employer's duty—Faulty plant or equipment.
Barry v. Black-Clawson International Ltd., C.A. (1966) 2 K.I.R. 237.

————No direction on how to do work.
Inglefield v. Macey, Ashworth J. (1967) 2 K.I.R. 146.

Ship

Injury to salvage hand on salvage vessel—Tautening of slack wire on deck—Whether employers liable.
Spellar v. Port of London Authority, Hinchcliffe J. [1969] 2 Lloyd's Rep. 362.

Winch—Boatswain's finger trapped in winch—Winch drum out of sight of operator—Whether plaintiff contributorily negligent—Liability of employers.
Clay v. South Coast Shipping Co. Ltd., Eveleigh J. [1970] 2 Lloyd's Rep. 146.

Susceptible to injury, employee

Dermatitis contracted by woman employed on work involving contact with grease—Transferred to other work—Slight risk of contact with irritant substance likely to exacerbate dermatitis—Work accepted without protest—Recurrent attacks of dermatitis—Duty of employer. **Withers v. Perry Chain Co. Ltd.**, C.A. [1961] 1 W.L.R. 1314.

Washing facilities

Lack of—Dermatitis contracted by workman—Causation—Burden of proof.
Gardiner v. Motherwell Machinery and Scrap Co. Ltd., H.L.(Sc.) [1961] 1 W.L.R. 1424.

NEGLIGENCE—*continued.*

Security guard

Employment of

Failure of guard to perform full number of patrols—Liability of employers—Whether negligence caused or contributed to loss by theft.
British Road Services Ltd. v. Arthur V. Crutchley & Co. Ltd., C.A. [1968] 1 All E.R. 811; [1968] 1 Lloyd's Rep. 271.

Ship, damage by. *See* SHIPPING (Collision).

Solicitor. *See* DAMAGES; SOLICITOR.

Sport

Competitor and spectator

Standard of care—Horse show—Heavyweight hunter competition—Galloping horse driven too fast round corner of arena—Deviation from arena into shrubs bordering arena—Attempt to bring horse back into arena—Injury to non-paying spectator standing at edge of arena—Whether competitor liable.
Wooldridge v. Sumner, C.A. [1963] 2 Q.B. 43; [1962] 3 W.L.R. 616.

Standard of care

Bailee, by. *See* BAILMENT.

Delegated duty

Lorry driver employed to drive to sugar warehouse, load with sugar, and drive to destination—Driver's duty to move lorry from loading point after loading—Offer by warehouseman to move lorry—Acceptance by driver without inquiry as to competence to drive—Accident caused by warehouseman's incompetence—Liability of lorry driver.
Ilkiw v. Samuels, C.A. [1963] 1 W.L.R. 991.

Task requiring special skill or art—Factory medical officer—Vicarious liability of employer—Whether professional standard of care applicable.
Stokes v. Guest, Keen and Nettlefold (Bolts and Nuts) Ltd., Swanwick J. [1968] 1 W.L.R. 1776.

Injury to ship's passenger

Alleged slippery linoleum—Liability of shipowners.
Appleton v. Cunard Steamship Co. Ltd., MacKenna J. [1969] 1 Lloyd's Rep. 150.

Mobile crane

Loading timber onto lorry at dock—Injury to lorry driver—Liability of port authority.
Brown v. Port of London Authority, Fisher J. [1969] 1 Lloyd's Rep. 103.

Moving in reverse—Lorry driver injured by crane—Liability of crane-driver's employers—Duty to provide look-out.
Wattson v. Port of London Authority, Megaw J. [1969] 1 Lloyd's Rep. 95.

Tort or breach of contract

Architect

Whether liable to client in tort—Test of status relationship—Limitation of action.
Bagot v. Stevens Scanlan & Co. Ltd., Diplock L.J. [1966] 1 Q.B. 197; [1964] 3 W.L.R. 1162.

Solicitor

Whether liable to client in tort.
Clark v. Kirby-Smith, Plowman J. [1964] Ch. 506; [1964] 3 W.L.R. 239.

Tree. *See* OCCUPIERS' LIABILITY.

Vicarious liability. *See* VICARIOUS LIABILITY.

NEGOTIABLE INSTRUMENT

Bearer bonds

Foreign securities

Greek sterling mortgage bonds secured on properties in Greece—Moratorium imposed by Greek government on all obligations—Universal successor to guarantor of bonds with offices in London—Universal successor held liable to pay principal and interest on bonds—Bond holders resident in Jersey—Character of guarantee—Whether interest "income arising from securities out of the United Kingdom" within Case IV of Schedule D—Whether income tax deductible from interest before payment to foreign corporation—Income Tax Act, 1952, s. 123 (1).
Westminster Bank Executor and Trustee Co. (Channel Islands) Ltd. v. National Bank of Greece S.A., C.A. [1970] 1 Q.B. 256; [1969] 3 W.L.R. 468.

NEMO DAT QUOD NON HABET. *See* SALE OF GOODS.

NEMO DEBET BIS VEXARI

Acquittal

No jurisdiction to convict

Acquittal by justices summarily of charge of being accessory after fact to larceny—Subsequent committal by them of defendant for trial—Whether acquittal a nullity—Jurisdiction as examining justices—Jurisdiction of court of trial.
Reg. v. West, C.C.A. [1964] 1 Q.B. 15; [1962] 3 W.L.R. 218.

Acquittal by Court of Criminal Appeal

Effect

Indictments for murder and robbery — Trial on murder charge alone — Two defences including alibi—Conviction of non-capital murder—Appeal raising issue on alibi only —Murder conviction quashed on ground of misdirection to jury on alibi issue—Whether tantamount to finding on issue of alibi—Trial on second indictment for robbery—Whether barred by plea of autrefois acquit—"Issue estoppel"—Whether available in English criminal law—Criminal Appeal Act, 1907, s. 4 (1) (2).
Reg. v. Connelly, C.C.A. [1964] A.C. 1254; [1963] 3 W.L.R. 839.
Connelly v. Director of Public Prosecutions, H.L.(E.)
[1964] A.C. 1254; [1964] 2 W.L.R. 1145.

Arbitration

Interim award

Issue estoppel. **Fidelitas Shipping Co. Ltd. v. V/O Exportchleb,**
C.A. [1966] 1 Q.B. 630; [1965] 2 W.L.R. 1059.

Conviction

Extradition

Conviction in U.S.A. of attempted armed robbery—Escape to England—Subsequent charge of aggravated burglary on same facts—Whether plea of autrefois convict available. **Atkinson v. United States of America Government,**
D.C. and H.L.(E.) [1969] 3 W.L.R. 1074.

Double jeopardy

Successive charges

Dismissal of information alleging defendant gipsy in December, 1965—Similar information 10 weeks later alleging defendant gipsy in March, 1966—"Issue estoppel"—Whether applicable in criminal cases—Whether later information oppressive or abuse of process of court. **Mills v. Cooper,** Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

Verdict

Partial verdict

Homicide—Acquittal of murder—Disagreement of jury on issue of manslaughter—Whether a verdict of acquittal—Whether sufficient to found plea of autrefois acquit of manslaughter —Jamaica. **Director of Public Prosecutions v. Nasralla,**
P.C. [1967] 2 A.C. 238; [1967] 3 W.L.R. 13.

NEWSPAPER. *See* CONTEMPT OF COURT; LIBEL AND SLANDER; OPEN COURT.

NEW ZEALAND

Company

Co-operative

Trading surplus—Rebated to customer-shareholders in proportion to purchases—Rebates applied in subscription for new shares—Claim that rebates should be paid in cash or credited to customer's rebate account.
J. M. Construction Co. Ltd. v. Hutt Timber and Hardware Co. Ltd.,
P.C. [1965] 1 W.L.R. 797.

Mortgage

Priorities—Land development company—Bank advance—Secured by unregistered mortgage company's land by contractor—Bank's mortgage registered subsequently—Expressed to on company's land—Valid equitable charge—Registered statutory liens for work on be "subject to liens"—Priority of liens not defeated by bank's original equitable charge —Wages Protection and Contractors' Liens Act, No. 27 of 1939 (New Zealand), ss. 21, 25, 41. **Farrier-Waimak Ltd. v. Bank of New Zealand,** P.C. [1965] A.C. 376;
[1964] 3 W.L.R. 1030.

Shares, cumulative preference

Period of economic depression in New Zealand—Statutory reduction of dividend—Recovery of country's economy and appellant company prosperous—Claim by shareholder for restoration of full rate of dividend—National Expenditure Adjustment Act, 1932, of New Zealand, s. 41 (1) (2) (4)—Mortgagors and Lessees Rehabilitation Act, 1936, of New Zealand, s. 84 (1) (*c*).
"Truth" (N.Z.) Ltd. v. Howey, P.C. [1963] A.C. 501; [1963] 2 W.L.R. 1353.

NEW ZEALAND—*continued.*

Dairy

Zoning of dairy industry

Financial interest of dairy board in zonings—Power to appoint committees to advise it—Power to delegate its duties—Duty to act judicially—Power to regulate its procedure as it thought fit—Matters of procedures as to hearing interested parties orally or by receiving written statements—Board's failure to see written statements produced by witnesses at hearing—Board's failure to get information of evidence given—Whether board fulfilled duty to act judicially. **Jeffs v. New Zealand Dairy Production and Marketing Board,** P.C. [1967] 1 A.C. 551; [1967] 2 W.L.R. 136.

Land registration

Effect of registration

Fraudulent mortgage granted by one of two registered proprietors—Mortgagees' sale in good faith to purchaser—Purchaser registered as proprietor—Original proprietor's claim against mortgagees and purchaser—Immunity to adverse claim—Indefeasibility of title—Land Transfer Act, 1952, ss. 2, 42, 62, 63, 75, 80, 81, 85, 100, 172, 182, 183.
Frazer v. Walker, P.C. [1967] 1 A.C. 569; [1967] 2 W.L.R. 411.

Local government

Powers

Public water supply—Statutory duty to supply "pure water"—Power to add sodium silico-fluoride to water deficient in fluoride—Municipal Corporations Act, 1954, No. 76 (New Zealand), ss. 240, 288—Health Act, 1956, No. 65 (New Zealand), s. 23.
Attorney-General of New Zealand v. Lower Hutt City Corpn., P.C. [1964] A.C. 1469; [1964] 3 W.L.R. 584.

Mines

Licence

Scheelite, tungsten and minerals of tungsten class—Assignment to Crown—Mineral licence a burden on title of subsequent registered proprietor of land—Licence not restricted to mining for gold—Licence not registrable under Land Transfer Act—Caveat procedure under Land Transfer Act inapt to secure registration of licence—Mining Act (New Zealand), 1908, s. 102—Mining Act (New Zealand), 1926, ss. 58, 97 (4), 106—Land Transfer Act (New Zealand), 1952, ss. 42, 62, 136–148.
Miller v. Minister of Mines, P.C. [1963] A.C. 484; [1963] 2 W.L.R. 92.

Nuisance

Trees

Roots of trees penetrating adjoining property—Damages and injunction.
Morgan v. Khyatt, P.C. [1964] 1 W.L.R. 475.

Pharmacy and drugs

"*Wholesale dealer in drugs*"

"Proprietor of a pharmacy"—Whether including only proprietors of New Zealand pharmacies and wholesale dealers in drugs in New Zealand—Whether including those carrying on business entirely outside New Zealand—Pharmacy Act, 1939, s. 33 (1) (*e*)—Pharmacy Amendment Act, 1954, ss. 3, 4, 7, 12, 13, 15—Pharmacy Amendment Act, 1957. **Boots Chemists (New Zealand) Ltd. v. Chemists' Service Guild of New Zealand Inc.,** P.C. [1968] A.C. 457; [1967] 3 W.L.R. 1121.

Revenue

Income tax

Life assurance—Mutual life insurance society—Statutory definition of profits—Society assessable on surplus funds allotted to participating policyholders as reversionary bonuses—Deduction of income of society "exempt from taxation"—Differing methods of calculating amount of surplus funds required to meet present cash value of reversionary bonuses—Concurrent findings on question of fact—Income "exempt from taxation" limited to income taxable under New Zealand tax laws—Land and Income Tax Act, 1954, of New Zealand, ss. 86 (1) (i), 149 (1) (2).
Australian Mutual Provident Society v. Inland Revenue Comr., P.C. [1962] A.C. 135; [1961] 3 W.L.R. 1313.

NIGERIA. (*See also* WEST AFRICA.)

Appeal to Privy Council

Federal Supreme Court of Nigeria

Competency—Decision on question as to interpretation of Regional Constitution—"Final" decision of Supreme Court—Appealable as of right—Constitution of the Federation of Nigeria, Sch. II, s. 114 (1) (*c*).
Adegbenro v. Akintola, P.C. [1963] A.C. 614; [1963] 3 W.L.R. 64.

Land

Laches

Equitable defence—Whether claimants of usufructuary rights entitled as against owner.
Nwakobi v. Nzekwu, P.C. [1964] 1 W.L.R. 1019.

NIGERIA—*continued.*

Legislative Assembly

Governor's power to dismiss Premier

Regional Constitution — Construction — Governor's power of dismissal not limited by majority vote on floor of House that Premier no longer enjoys support—"It appears to him"—Judgment as to support left to Governor's own assessment on any material and from any source—Constitution of Western Nigeria (Nigeria (Constitution) Order in Council, 1960, Sch. IV), s. 33 (10).
Adegbenro v. Akintola, P.C. [1963] A.C. 614; [1963] 3 W.L.R. 64.

Patent

Design

Textile piece goods—Registration—Infringement—Damages—Innocent infringement, proof of—Onus—United Kingdom Designs (Protection) Ordinance (Laws of the Federation of Nigeria and Lagos, 1958 Rev., c. 204), s. 3—Registered Designs Act, 1949, s. 9 (1). **Khawam v. K. Chellaram & Sons (Nig.) Ltd.,** P.C. [1964] 1 W.L.R. 711.

Practice

Non-suit

Representative action—Claim to land as family land—Case not established—Evidence of common user—Non-suit order—Discretion, interference with—Only if substantial error or real injustice effected—High Court Rules, 1955 (Eastern Nigeria), Ord. 48 (1)—County Court Act, 1846, s. 79. **Ume v. Ezechi,** P.C. [1964] 1 W.L.R. 701.

NOISE. *See* NUISANCE.

NON EST FACTUM. *See* CONTRACT (**Mistake**); ESTOPPEL (**Deed, by**).

NORTHERN IRELAND

Rating

Education

Charitable purposes—Fee paying school—Exemption—Valuation (Ireland) Act Amendment Act, 1854, s. 2. **Campbell College, Belfast (Governors) v. Northern Ireland Valuation Comr.,** H.L.(N.I.) [1964] 1 W.L.R. 912.

——————Public school—Dwelling-houses within school precincts—Used as residences for assistant masters—Licence to occupy forbidding occupation by third parties—In allotting houses priority given to staff members likely to be active in supervising extra-mural activities—Houses used solely as domestic residences—No express term in contract of employment of masters allotted houses requiring their residence therein—Vice-principal's house—Used inter alia for school activities—Whether houses exempt from rating—Valuation (Ireland) Act Amendment Act, 1854, s. 2—Valuation (Ireland) Act, 1852, s. 16.
Comr. of Valuation for Northern Ireland v. Fermanagh Protestant Board of Education, H.L.(N.I.) [1969] 1 W.L.R. 1708.

Statute

Special powers

Validity of regulation—Statutory powers for preserving peace and maintaining order—Minister of Home Affairs given power to make regulations—Regulations made proscribing named organisations—Subsequent regulation made proscribing organisations under the description of "republican clubs"—Whether intra vires—Civil Authorities (Special Powers) Act (Northern Ireland), 1922, s. 1 (1) (3) (4), Sch.—Civil Authorities (Special Powers) Act Regulations (Northern Ireland), 1922, reg. 24A—Civil Authorities (Special Powers) Acts (Amending) (No. 1) Regulations (Northern Ireland), 1967, reg. 1.
McEldowney v. Forde, H.L.(N.I.) [1969] 3 W.L.R. 179.

NOTICE TO QUIT. *See* AGRICULTURAL HOLDING; LANDLORD AND TENANT; MORTGAGE (**Attornment**).

NOVUS ACTUS INTERVENIENS. *See* DAMAGES (**Remoteness**).

NUISANCE. (*See also* PUBLIC HEALTH.)

Electrical

Interference with television reception

Whether television reception ordinary use of land—Whether interference actionable by landowner — Business of television relay exceptionally sensitive to interference — Whether interference with reception actionable.
Bridlington Relay Ltd. v. Yorkshire Electricity Board, Buckley J. [1965] Ch. 436; [1965] 2 W.L.R. 349.

NUISANCE—*continued.*

Highway. (*See also* HIGHWAY.)

Obstruction

Picketing by men on strike—Stopping vehicles.
Tynan v. Balmer, Divl.Ct. [1967] 1 Q.B. 91; [1966] 2 W.L.R. 1181.

Public footway—Greengrocer's shop—Display of vegetables projecting 11 inches over footway—No passer-by incommoded or obstructed—Whether offence committed—Town Police Clauses Act, 1847, s. 28.
Wolverton Urban District Council v. Willis (Trading as S. G. Willis & Sons), Divl.Ct. [1962] 1 W.L.R. 205.

——————Shop—Display of fruit and vegetables in front of shop—Two foot projection onto footway—Fruit and vegetables displayed on footway for 25 years—Whether offence—Metropolitan Police Act, 1839, s. 60 (7).
Hinchon v. Briggs, Divl.Ct. (1963) 61 L.G.R. 315.

Tree. See OCCUPIERS' LIABILITY.

Vehicular traffic

Noise at night—Emanating partly from private premises and partly from highway—Concentration of exceptionally heavy vehicles—Whether interference with enjoyment of house—Whether reasonable user of highway—Whether private nuisance—Whether public nuisance. **Halsey v. Esso Petroleum Co. Ltd.,** Veale J. [1961] 1 W.L.R. 683.

Wall

Authority acting under statutory powers—Wall built on boundary of plaintiffs' land adjoining highway—Pavement laid on unconsolidated artificial banking higher than plaintiffs' land—No provision of weepholes, adequate fall away from wall, or land drain—Banking becoming saturated with water—Wall becoming dangerous from damage caused by frost acting on water percolating from saturated bank—Whether damage foreseeable by authority—Whether statutory powers answer to claim in nuisance and for injunction against authority. **Turner v. Deal Corpn.,** Thesiger J. (1967) 65 L.G.R. 431.

Injunction. *See* INJUNCTION.

Leasehold premises

Landlord's liability

Dangerous wall—Existence of nuisance of which landlord ought to have known at date of grant of lease—Full repairing covenant taken from tenants—Whether sufficient to relieve landlord of liability for nuisance to third parties—Test of landlord's liability—Control.
Brew Brothers Ltd. v. Snax (Ross) Ltd., C.A. [1970] 1 Q.B. 612; [1969] 3 W.L.R. 657.

Light

Obstruction

Diminution of right to light—Test of adequacy by reference to " ordinary notions of mankind "—Relevance of improved modern lighting standards.
Ough v. King, C.A. [1967] 1 W.L.R. 1547.

Noise

Interference with sleep

Noise from plant—Plant in premises adjoining residential area—Whether interference with ordinary physical comfort—Whether actionable nuisance.
Halsey v. Esso Petroleum Co. Ltd., Veale J. [1961] 1 W.L.R. 683.

Nonfeasance. *See* HIGHWAY; LOCAL GOVERNMENT.

Occupier's liability

Activities on land

Occupier abstracting water from beneath own land—Resulting abstraction of water percolating beneath neighbouring land—Dewatering of neighbouring land and settlement of buildings thereon—Whether actionable nuisance.
Langbrook Properties Ltd. v. Surrey County Council, Plowman J. [1970] 1 W.L.R. 161.

Occupier inheriting from predecessor

Branch of tree overhanging road—Not foreseen that branch was a hazard to traffic—Liability of adjoining occupier.
British Road Services Ltd. v. Slater, Lord Parker C.J. [1964] 1 W.L.R. 498.

Public. (*See also* CRIME.)

Atmospheric pollution

Noxious acid smuts—Damage to motor car standing in public highway—Exceptional noise of vehicles at night.
Halsey v. Esso Petroleum Co. Ltd., Veale J. [1961] 1 W.L.R. 683.

NUISANCE—*continued.*

Public—*continued.*

Noise

Action for injunction by local authority—Local authority's private interests affected—Whether their conduct precluding interlocutory relief—Whether local authority statutory power to sue in own name—Local Government Act, 1933, s. 276.
Prestatyn Urban District Council v. Prestatyn Raceway Ltd., Goff J. [1970] 1 W.L.R. 33.

Oil spilled on harbour waters

Fire—Whether negligence essential element—Whether foreseeability essential element in liability in nuisance. **Overseas Tankship (U.K.) Ltd. v. Miller Steamship Co. Pty.,** P.C. [1967] 1 A.C. 617; [1966] 3 W.L.R. 498.

Sewer. (*See also* PUBLIC HEALTH.)

River

Sewage authority acting under statutory powers—Sewer built across and in bed of river—Properly laid and maintained—Natural forces or acts of third party causing erosion of bed—Sewer exposed causing eddying and turbulence of water—Damage to riparian property—Whether authority liable—Public Health Act, 1936, s. 331.
Radstock Co-operative and Industrial Society Ltd. v. Norton-Radstock Urban District Council, C.A. [1968] Ch. 605; [1968] 2 W.L.R. 1214.

Smell

No injury to health

Pungent oily smell of nauseating character—Whether actionable.
Halsey v. Esso Petroleum Co. Ltd., Veale J. [1961] 1 W.L.R. 683.

Statutory undertaker, liability of

Highway

Electricity undertaking—Excavation in pavement pursuant to statutory powers—Excavation guarded by sloping handle of punner-hammer—Guard sufficient for sighted person—Blind person tripped up by handle and injured—Whether special duty owed to blind persons—Gasworks Clauses Act, 1847, s. 6—Electricity Lighting Act, 1882, s. 12 (as amended)—Public Utilities Street Works Act, 1950, s. 8.
Haley v. London Electricity Board, C.A. [1964] 2 Q.B. 121; [1964] 2 W.L.R. 444.

Explosion—Gas escape caused by burst water main belonging to corporation—No negligence by gas board or corporation—Whether gas board liable in nuisance—Corporation acting under permissive powers only—No clause retaining liability in nuisance—Whether corporation liable.
Dunne v. North Western Gas Board, C.A. [1964] 2 Q.B. 806; [1964] 2 W.L.R. 164.

Things naturally on land

Trees

Damage by roots encroaching from adjoining land—Liability for damage—Injunction—Rule of concurrent findings of fact. **Morgan v. Khyatt,** P.C. [1964] 1 W.L.R. 475.

Highway—Ancient tree growing in verge—Overhanging branch—Narrow road used by vehicles with high loads—Whether a nuisance—Tree grown after dedication of highway but before adjoining land acquired by defendants—Branch not considered a hazard—Damage to vehicle and load—Liability of defendants.
British Road Services Ltd. v. Slater, Lord Parker C.J. [1964] 1 W.L.R. 498.

User of premises

Factory

Damage to electricity cable by contractors in course of building operation—Power failure in plaintiffs' factory—Whether actionable nuisance.
S.C.M. (United Kingdom) Ltd. v. W. J. Whittall & Son Ltd., Thesiger J. [1970] 1 W.L.R. 1017.

Escape of metal foil causing power failure at electricity sub-station—Machines halted in plaintiffs' factory—Whether actionable nuisance.
British Celanese Ltd. v. A. H. Hunt (Capacitors) Ltd., Lawton J. [1969] 1 W.L.R. 959.

NULLITY. *See* HUSBAND AND WIFE.

OATH. *See* CRIME (**Perjury**).

OBSCENITY. *See* CRIME.

OCCUPATION OF LAND. *See* OCCUPIERS' LIABILITY; POSSESSION.

OCCUPIERS' LIABILITY. (*See also* FACTORY; NEGLIGENCE (**Contractor**).)

Activities on land

Standard of duty

Whether a distinction between duty of occupier and of contractor carrying out activities on land. **Videan v. British Transport Commission,** C.A. [1963] 2 Q.B. 650; [1963] 3 W.L.R. 374.

Causation. *See* CAUSATION.

Child, to. (*See also* NEGLIGENCE.)

Common duty of care

Four year old child of tenant—Staircase with balustrade having gaps—Fall of child through balustrade—Whether balustrade dangerous for child of four years of age—Occupiers' Liability Act, 1957, s. 2 (3) (*a*). **Moloney v. Lambeth London Borough Council,** Brabin J. (1966) 64 L.G.R. 440.

Trespasser

Railway — Child trespassing on railway track — Duty of occupier to trespasser — Test reasonable foreseeability. **Videan v. British Transport Commission,** C.A. [1963] 2 Q.B. 650; [1963] 3 W.L.R. 374.

" Common duty of care "

Agricultural show

High tension cable—Uninsulated high tension wire crossing show site—Flagpole being erected by exhibitors' employee—Employee electrocuted on pole coming into contact with high tension wire—Whether unusual danger—Whether duty to warn—Necessity for notices on site—Occupiers' Liability Act, 1957, s. 2. **McDowell v. F.M.C. (Meat) Ltd.,** Nield J. (1967) 3 K.I.R. 595. C.A. (1968) 4 K.I.R. 456.

Current operations on land

Duty of contractors to man coming on site to do specialist work—Skilled man's fall during blasting operations—Occupiers' Liability Act, 1957, s. 2 (1) (2). **Savory v. Holland & Hannen & Cubitts (Southern) Ltd.,** C.A. [1964] 1 W.L.R. 1158.

Independent contractor supervised by occupier's architects—Flooding—Damage to property brought on site—Whether duty of occupier to check whether precautions against flooding taken by independent contractor—Whether damage limited to physical damage—Occupiers' Liability Act, 1957, ss. 1 (3) (*b*), 2 (4) (*b*). **AMF International Ltd. v. Magnet Bowling Ltd.,** Mocatta J. [1968] 1 W.L.R. 1028.

Delegation of duty

Sweeps employed to repair flues—Warned of danger by specialist employed by occupier of working while fire alight—Warning disregarded—Sweeps killed by carbon monoxide poisoning—Degree of care required of occupier—" Special risks ordinarily incident to calling of a sweep "—Whether occupier under duty of care—Occupiers' Liability Act, 1959, ss. 1, 2. **Roles v. Nathan,** C.A. [1963] 1 W.L.R. 1117.

Electrical engineer—fall from hardboard roofing

Warning notice in wrong place—Whether " special risk ordinarily incident " to calling —Occupiers' Liability Act, 1957, s. 2 (2) (3) (b). **Woollins v. British Celanese Ltd.,** C.A. (1966) 1 K.I.R. 438.

Inn

Paying guest killed by fall on staircase—Staircase left unlighted by manager—Standard of care—Liability of owners of inn—Occupier's Liability Act, 1957, ss. 1, 2. **Wheat v. E. Lacon & Co. Ltd.,** C.A. [1966] 1 Q.B. 335; [1965] 3 W.L.R. 142. H.L.(E.) [1966] A.C. 552; [1966] 2 W.L.R. 581.

Occupational hazard

Mustard seed (residue of bagged cargo on tween deck)—Injury to stevedore—Whether occupational hazard—Liability of shipowners. **McCarthy v. Hellenic Lines Ltd.,** Willis J. [1968] 1 Lloyd's Rep. 537.

School

Injury to pupil. **Reffell v. Surrey County Council,** Veale J. [1964] 1 W.L.R. 358.

Ship

Hold of vessel—Injury to dock worker when reel of cardboard moved under him and displaced suspended reel—Whether reels should have been chocked—Foreseeability of injury—Liability of shipowner—Whether shipowner entitled to rely on independent contractor—Occupiers' Liability Act, 1957, ss. 2 (1) (2) (3) (*b*) (4) (*b*). **Mullis v. United States Lines Co.,** Browne J. [1969] 1 Lloyd's Rep. 109.

Use of right of way

Bridge over railway—Pedestrian's trip in pot-hole—Use of accommodation bridge while shopping—Whether a " visitor "—Whether duty owed by railways board—Occupiers' Liability Act, 1957, ss. 1 (2) (4), 2 (1) (2) (6). **Greenhalgh v. British Railways Board,** C.A. [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892.

OCCUPIERS' LIABILITY—*continued.*

"Common duty of care"—*continued.*

Visitor's knowledge of danger

Part of tunnel and machine a danger—Whether duty of care owed to visitor—Whether visitor's knowledge of danger sufficient to absolve occupier from liability—Occupiers' Liability Act, 1957, s. 2 (1) (2). **Bunker v. Charles Brand & Son Ltd.**, O'Connor J. [1969] 2 Q.B. 480; [1969] 2 W.L.R. 1392.

Common law duty of care

Premises occupied by owner and by licensee

No control by licensee over structure and no right to repair—Liability of owner to invitee injured on premises.
Fisher v. Port of London Authority, Melford Stevenson J. [1962] 1 W.L.R. 234.

Railway

Level crossing—Duty to licensee.
Comr. for Railways v. McDermott, P.C. [1967] 1 A.C. 169; [1966] 3 W.L.R. 267.

Duty of care to whom? *See* NEGLIGENCE.

Independent contractor. *See* VICARIOUS LIABILITY.

Knowledge of visitor of danger

Carbon monoxide poisoning. **Roles v. Nathan**, C.A. [1963] 1 W.L.R. 1117.

Master and servant. *See* MASTER AND SERVANT.

Negligence

Rugby football club

Football ground with concrete wall seven feet three inches from touchline—Compliance with bylaws of Rugby Football League—Injury to visiting player in collision with wall—Injury foreseeable but improbable—Liability of occupier—Whether player willingly accepting risk in playing on football ground which complied with league's bylaws—Occupiers' Liability Act, 1957, s. 2 (1) (2) (5).
Simms v. Leigh Rugby Football Club Ltd., Wrangham J. [1969] 2 All E.R. 923.

Tree adjoining highway

Collision caused by falling tree—Injuries to driver of stationary car—Duty of owner of tree adjoining highway to take skilled advice—Whether owner of tree liable.
Quinn v. Scott, Glyn-Jones J. [1965] 1 W.L.R. 1004.

Nuisance. *See* NUISANCE.

"Occupation"

Contractor

Duty to subcontractors' servant—Scaffolding for making working platforms provided by contractors—Scaffolding positioned by subcontractors—Subcontractors' servant's fall from unsteady scaffolding—Whether contractors "occupying or having control over" scaffolding—Whether under common duty of care—Occupiers' Liability Act, 1957, s. 1 (3).
Kearney v. Eric Waller Ltd., Lawton J. [1967] 1 Q.B. 29; [1966] 2 W.L.R. 208

Inn

Manager employed by owners of inn—Manager's wife allowed to take in paying guests in private part of premises—Right of owners to enter private part for specific purposes—Paying guest killed by fall on staircase in private part—Whether owners in "occupation" of staircase—Whether any duty of care owed—Whether in breach of duty—Occupiers' Liability Act, 1957, ss. 1, 2.
Wheat v. E. Lacon & Co. Ltd., C.A. [1966] 1 Q.B. 335; [1965] 3 W.L.R. 142.
H.L.(E.) [1966] A.C. 552; [1966] 2 W.L.R. 581.

Joint occupation

Club restaurant managed by licensee—Redecoration by plasterers—Injury to plasterers' servant through live wire—Whether club or householder liable as occupiers under Electricity Regulations—Electricity (Factories Act) Special Regulations, 1908, regs. 1, 2 (as amended by Electricity (Factories Act) Special Regulations, 1944)—Factories Act, 1961, s. 127 (4)—Occupiers' Liability Act, 1957, s. 31.
Fisher v. C. H. T. Ltd. (No. 2), C.A. [1966] 2 Q.B. 475; [1966] 2 W.L.R. 391.

Site owner's employment of independent contractor—Whether independent contractor in occupation—Flooding causing damage to another's property—Whether any duty of care owed by independent contractor—Occupiers' Liability Act, 1957, s. 2.
AMF International Ltd. v. Magnet Bowling Ltd., Mocatta J. [1968] 1 W.L.R. 1028.

Safe means of access

Rigger injured while climbing over deck cargo of timber on port side

Safe means of access provided on starboard side—Liability of shipowners.
Sullivan v. Temple Steamship Co. Ltd., Hinchcliffe J. [1968] 2 Lloyd's Rep. 95.

OCCUPIERS' LIABILITY—*continued.*

Trespasser, to

Railway

Private level crossing—Train in collision with motor truck—Personal injuries claim—Limits of occupier's duty to trespasser—Not to injure by act done wilfully or in reckless disregard of his presence—Apparent likelihood of presence not sufficient to impose on occupier any general duty of care.
Comr. for Railways v. Quinlan, P.C. [1964] A.C. 1054; [1964] 2 W.L.R. 817.

OFFICES, SHOPS, ETC., PREMISES

Fire precautions

Right of appeal

Refusal to issue fire certificate—Complaint to justices—Powers of justices—Dismissal of owner's complaint—Whether " order . . . on determining a complaint under this Act " —" Order "—Whether right of appeal to quarter sessions—Offices, Shops and Railway Premises Act, 1963, ss. 31 (1), 72. **Reg. v. Recorder of Oxford,** *Ex parte* **Brasenose College,** D.C. [1970] 1 Q.B. 109; [1969] 3 W.L.R. 446.

Young person

Cleaning machinery

Young person cleaning manually operated bacon slicer—Method of cleaning contrary to instructions—Whether young persons exposed to risk of injury from a moving part—" Exposes "—Whether absolute prohibition—Whether cutting blade a " moving part " —Whether occupiers showing " all due diligence " to prevent exposure to injury—Offices, Shops and Railway Premises Act, 1963, ss. 18, 67.
J. H. Dewhurst Ltd. v. Coventry Corpn., D.C. [1970] 1 Q.B. 20; [1969] 3 W.L.R. 249.

OFFICIAL RECEIVER. *See* COMPANY.

OFFICIAL REFEREE. *See* PRACTICE (**Official referees**).

OFFICIAL SECRETS. *See* CRIME.

OFFICIAL SOLICITOR

Costs. (*See also* INFANT (**Ward**).)

Guardian ad litem of infant

Proceedings concerning infant's beneficial interest—Basis of Official Solicitor's costs—Supreme Court Costs Rules, 1959, r. 28 (5).
In re **C. (An Infant),** Pennycuick J. [1964] 1 W.L.R. 857.

Guardian ad litem. (*See also* INFANT (**Ward**).)

Powers

Infant defendant to paternity issue in divorce division—Custody proceedings—Blood test—Right of guardian ad litem to withhold consent to submitting infant to serological investigation for determining paternity—Whether consent required or authorised " in the ordinary conduct of . . . proceedings "—Power of court to order infant's blood grouping—R.S.C. (Rev. 1965), Ord. 80, r. 2 (2).
In re **L. (An Infant),** Ormrod J. [1968] P. 119; [1967] 3 W.L.R. 1149.
C.A. [1968] P. 119; [1967] 3 W.L.R. 1645.

Order appointing Official Solicitor as guardian ad litem—Restriction on medical examination of child—28 days' notice of medical examination of child to be given to Official Solicitor—Incorporation of restriction in order—Matrimonial Causes Rules, 1968, r. 108.
Practice Direction (Official Solicitor: Order Appointing As Guardian Ad Litem), P.D.A. [1968] 1 W.L.R. 1853.

History and functions

Statement by

Whether on oath—Discretion of judge—Confidential report—Need for disclosure to parties—Guardian ad litem of ward of court.
In re **K. (Infants),** C.A. [1963] Ch. 381; [1962] 3 W.L.R. 1517.
H.L.(E.) [1965] A.C. 201; [1963] 3 W.L.R. 408.

OMNIA PRAESUMUNTUR RITE ESSE ACTA. *See* PRESUMPTION (**Legality**).

ONUS OF PROOF. *See* BURDEN OF PROOF.

OPEN COURT

Committal for contempt

Wardship proceedings

Whether hearing or judgment should be in open court—R.S.C. (Rev. 1962), Ord. 44, r. 2 (4) (*a*). *In re* **An Infant (Contempt),** Stamp J. [1965] 1 W.L.R. 754.

OPEN COURT—*continued.*
Confidential information
Injunction
Breach—Proceedings for contempt.
P. A. Thomas & Co. v. Mould, O'Connor J. [1968] 2 Q.B. 913; [1968] 2 W.L.R. 737.

Restrictive Practices Court
Whether hearing should be in public.
In re **National Sulphuric Acid Association's Agreement (No. 2),** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 210.

Crime
Sentence
Need accurately to state in open court—Concurrent sentences.
Practice Direction (Passing Sentence), C.C.A. [1962] 1 W.L.R. 191.

Infant
Custody
Divorce—Agreement of parties for custody issue to be referred to chambers—Discretion of judge to hear in open court.
Cooper v. Cooper and Harmer, C.A. [1961] 1 W.L.R. 1369.

Legitimacy suit
Litigant deterred from pursuing remedy if hearing in public—Whether court can order hearing in camera. **B. (orse. P.) v. Attorney-General,** Wrangham J. [1967] P. 119; [1966] 2 W.L.R. 58.

Judge in chambers
Jurisdiction so to sit
Family provision application—Former wife—Rules of court—"A judge"—"A judge in London"—"High court"—Matrimonial Causes Rules, 1957, rr. 58B (1) (4), 58A (9A) (as amended). *In re* **Bellman, decd.,** Scarman J. [1963] P. 239; [1963] 2 W.L.R. 314.

Justices after retirement
Consideration of new evidence
Whether trial vitiated.
Brinkley v. Brinkley, Divl.Ct. [1965] P. 75; [1963] 2 W.L.R. 822.

Name, publication of
Tax appeal by case stated
Whether taxpayer's name should be listed.
In re **H.,** Ungoed-Thomas J. (1964) 42 T.C. 14.

Private audience with judge
Welfare officer
Custody issue—Irregularity.
Fowler v. Fowler and Sine, C.A. [1963] P. 311; [1963] 2 W.L.R. 155.

Summing up in private
Statutory tribunal
Professional misconduct—Legal adviser as member of disciplinary board—Functions—Whether legal adviser should sum up to the board in the presence of the parties—Architect—Natural justice—Building Ordinance (Hong Kong) (No. 68 of 1955).
In re **Chien Sing-Shou,** P.C. [1967] 1 W.L.R. 1155.

View by judge or jury
R.S.C., Ord. 35, r. 8 (1).
Salsbury v. Woodland, C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

Witness
Power of court to exclude
Power to exclude witness who has given evidence.
Moore v. Lambeth County Court Registrar, C.A. [1969] 1 W.L.R. 141.

OPTION. *See* ELECTION OR OPTION; LANDLORD AND TENANT; WILL (**Construction**).

OUSTER OF JURISDICTION OF COURT
Statute
Determination by statutory commission
Not to "be called in question in any court of law"—Effect—Foreign Compensation Act, 1950, s. 4 (4). **Anisminic Ltd. v. Foreign Compensation Commission,**
C.A. [1968] 2 Q.B. 862; [1967] 3 W.L.R. 382.
H.L.(E.) [1969] 2 A.C. 147; [1969] 2 W.L.R. 163.

Statutory instrument, by. *See* CROWN (**Minister**).

PARLIAMENT. (*See also* STATUTE.)

Election. (*See also* LOCAL GOVERNMENT.)

Elected member disqualified

Notice to electors of facts and of claim that such facts constituted disqualification—Whether other candidate duly elected—Election Court—Jurisdiction—Fact of succession to peerage—Representation of the People Act, 1947, ss. 107, 108, 110, 124.
In re **Parliamentary Election for Bristol South East,** Election Ct. [1964] 2 Q.B. 257; [1961] 3 W.L.R. 577.

Electoral register

Purpose of—Inability of newly-qualified persons to be added to current register—Uganda.
Kabaka's Government v. Attorney-General of Uganda, P.C. [1966] A.C. 1; [1965] 3 W.L.R. 512.

Expenses

Expenses incurred by candidate or election agent—Overspending by agent—Failure to estimate permitted sum—Element of neglect—Whether overspending "inadvertence"—Representation of the People Act, 1949, s. 145 (2) (*b*).
In re **Bedwellty Constituency Parliamentary Election,** *Ex parte* **Finch,** Widgery J. (1965) 63 L.G.R. 406.

Illegal practice

Expenses incurred by candidate or election agent—Overspending by agent—Permitted maximum amount calculated by reference to register including young voters—Young voters not entitled to vote because of date of poll—Whether overspending "inadvertence or miscalculation"—Affidavit in support of motion containing errors in dates—Order for relief—Order to lie in office until filing of correcting affidavit—Representation of the People Act, 1949, ss. 64 (1), 145 (2) (*b*) (*c*)—Electoral Registers Act, 1949, s. 2 (1).
In re **Wakefield Constituency Parliamentary Election,** *Ex parte* **Harrison,** McNair J. (1966) 64 L.G.R. 383.

Petition

Service—Inconsistent rules—If no address given proceedings may be served by leaving at registrar's office—Requirement for service within 10 days of presentation by post or publication—Whether mandatory—Publication of notice after expiry of period—Petition struck out by trial judge—On certification election judge's "determination . . . final"—Leave to appeal on basis that order interlocutory—Jurisdiction of appellate court—Leave to appeal—Whether conferring jurisdiction on Privy Council—Malaysia—Election Offences Ordinance of Malaysia (No. 9 of 1954), ss. 33, 38, Sch. 2, rr. 10, 15—Courts of Judicature Act, 1964, s. 67.
Devan Nair v. Yong Kuan Teik, P.C. [1967] 2 A.C. 31; [1967] 2 W.L.R. 846.

Registration

Residential qualification—University students resident in college on qualifying date—Requirement to reside in approved accommodation for academic terms—No right to reside without permission during vacations—Whether sufficient degree of permanence to satisfy statutory requirements for residence—Meaning of "resident" in context of modern franchise qualifications—Representation of the People Act, 1949, ss. 1, 4 (1).
Fox v. Stirk and Bristol Electoral Registration Officer, C.A. [1970] 2 Q.B. 463; [1970] 3 W.L.R. 147.

House of Commons

Peerage disqualification

Succession to hereditary peerage—Whether disqualification dependent on issue of writ of summons to House of Lords. *In re* **Parliamentary Election for Bristol South East,** Election Ct. [1964] 2 Q.B. 257; [1961] 3 W.L.R. 577.

House of Lords

Hereditary principle

Peer of the United Kingdom by descent under letters patent—Status and attributes of status inalienable—Right and duty to sit in House of Lords—Disqualification from voting, standing for, and sitting in Commons attaching on succession—Writ of summons—Functions. *In re* **Parliamentary Election for Bristol South East,** Election Ct. [1964] 2 Q.B. 257; [1961] 3 W.L.R. 577.

Judicial tribunal, as. See HOUSE OF LORDS.

Peerage

Irish peers

Petition for steps to be taken for the election of 28 representative Irish peers to the House of Lords—Union with Ireland Act, 1800—Irish Free State (Agreement) Act, 1922.
Earl of Antrim's Petition, H.L. [1967] 1 A.C. 691; [1966] 3 W.L.R. 1141.

Prime Minister

Removal from office

Conventions of British Constitution.
Adegbenro v. Akintola, P.C. [1963] A.C. 614; [1963] 3 W.L.R. 64.

PARLIAMENT—*continued.*

Privilege

Arrest, privilege from

Application for writ of attachment against peer—Failure to perform acts required by civil process—Whether civil or criminal contempt—Whether peer privileged from arrest—Whether privilege applies if Parliament not sitting.
Stourton v. Stourton, Scarman J. [1963] P. 202; [1963] 2 W.L.R. 397.

" Proceeding in Parliament "

Principles involved—Appeal from Ceylon.
Attorney-General of Ceylon v. De Livera, P.C. [1963] A.C. 103; [1962] 3 W.L.R. 1413.

Sovereignty

Colony

Southern Rhodesia—Limited grant of self-government—Convention that United Kingdom Parliament would not legislate on matters within the competence of the Legislative Assembly—United Kingdom statute and Order in Council transferring executive and legislative powers to Her Majesty in Council—Whether effective to do so—Southern Rhodesia Act, 1965, ss. 1, 2—Southern Rhodesia (Constitution) Order, 1965, ss. 2, 3 (1) (5), 4, 6.
Madzimbamuto v. Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

Statute

Mode of enactment—Non-compliance with constitutional legislative procedure—Ultra vires—Ceylon.
Bribery Comr. v. Ranasinghe, P.C. [1965] A.C. 172; [1964] 2 W.L.R. 1301.

PARTIES. *See* CONTRACT; PRACTICE.

PARTNERSHIP

Deed

Construction

Expulsion provision — One partner invoking expulsion clause to expel two — " If any partner be guilty of . . . misconduct . . . the other partners may . . . expel him "—Whether minority can expel majority—Whether singular included plural and vice versa—Law of Property Act, 1925, s. 61.
In re **A Solicitors' Arbitration**, Russell J. [1962] 1 W.L.R. 353.

Existence of

Persons carrying on business together

Acts performed by one or both persons prior to formation of company—Goods ordered by one person for use of company—Bank account opened by both—Whether in partnership—Partnership Act, 1890, s. 1 (1).
Keith Spicer Ltd. v. Mansell, C.A. [1970] 1 W.L.R. 333.

Goodwill

Agency business

Agency agreements with oil company—Goodwill attaching to agreement—Partnership Act, 1890, ss. 29 (1), 42 (1).
Pathirana v. Pathirana, P.C. [1967] 1 A.C. 233; [1966] 3 W.L.R. 666.

Liability of firm

Authority of partner to bind co-partners

Agreement by one partner for single joint venture with outsider—Whether within his authority—Whether venture in usual course of business—Whether venture " another business "—Whether co-partners bound—Partnership Act, 1890, s. 5.
Mann v. D'Arcy, Megarry J. [1968] 1 W.L.R. 893.

Liability of firm in tort

Libel

Privilege—Qualified privilege—Communication on behalf of firm—Communication sent by partner without malice—Another partner actuated by malice—Liability of each partner—Partnership Act, 1890, s. 10.
Meekins v. Henson, Winn J. [1964] 1 Q.B. 472; [1962] 3 W.L.R. 299.

Medical practitioner. *See* RESTRAINT OF TRADE.

Partnership property

Business premises

Whether partnership deed operated as assignment—Transfer of " assets " of business.
Gian Singh & Co. v. Nahar, P.C. [1965] 1 W.L.R. 412.

Theft

Whether one partner can be guilty of theft of partnership property—Theft Act, 1968, s. 1 (1). **Reg. v. Bonner**, C.A. [1970] 1 W.L.R. 838.

PARTNERSHIP—*continued.*

Receiver

Interlocutory application

Existence of partnership disputed—Assets not in jeopardy—Whether practice of court to appoint—Whether partner may remove partnership documents.
Floydd v. Cheney, Megarry J. [1970] Ch. 602; [1970] 2 W.L.R. 314.

Rescission for innocent misrepresentation. *See* CONTRACT.

Restraint of trade. *See* RESTRAINT OF TRADE.

PASSING-OFF

Non-exclusive trade description

Geographical term

Use of name "champagne"—Right to exclusive use of description claimed by class of producers in Champagne district of France—"Spanish champagne"—Whether description likely to mislead public—Whether deliberate attempt to mislead public.
J. Bollinger v. Costa Brava Wine Co. Ltd. (No. 2), Danckwerts J. [1961] 1 W.L.R. 277.

Risk of confusion

Use of name "Today"

Right to exclusive use claimed—Whether user of the title gave rise to proprietary rights.
Norman Kark Publications Ltd. v. Odhams Press Ltd., Wilberforce J. [1962] 1 W.L.R. 380.

Wrappers

Sweets—Get-up—Red paper wrappers bearing print in English—Foreign market conditions—Customers unable to read English—Wrappers distinctive of and identified with plaintiffs' sweets—Singapore.
White Hudson & Co. Ltd. v. Asian Organisation Ltd., P.C. [1964] 1 W.L.R. 1466.

Trade description

Geographical term

"Scotch Whisky"—Liquor prepared by admixing whisky from Scotland with spirit produced in Ecuador—Sold in Ecuador as "Scotch Whisky"—Labels, empty bottles and whisky supplied from England—Plaintiffs blenders not distillers—Whether actionable by plaintiffs in England.
John Walker & Sons Ltd. v. Henry Ost & Co. Ltd., Foster J. [1970] 1 W.L.R. 917.

Trade mark

Infringement

Finding of no infringement but passing-off—Whether consistent.
Lee Kar Choo v. Lee Lian Choon, P.C. [1967] 1 A.C. 602; [1966] 3 W.L.R. 1175.

PATENT

Action for infringement

Interlocutory relief

Drug—Application by defendants for compulsory licence—Whether injunction should be granted pending determination of application—Whether power in Comptroller-General to grant retrospective licence—Patents Act, 1949, s. 41 (1).
F. Hoffmann-La Roche & Co. A.G. v. Inter-Continental Pharmaceuticals Ltd., C.A. [1965] Ch. 795; [1965] 2 W.L.R. 1045.

Appeal tribunal. (*See also* CROWN PRACTICE **(Certiorari)**.

Appeal to Court of Appeal from

Application for leave to appeal—Procedure—Extension of time—R.S.C., Ord. 59, r. 18—Patents Act, 1949, ss. 14, 87 (1).
Practice Direction (Patents Appeal Tribunal), Ch.D. [1969] 1 W.L.R. 1259.

Sittings

Dates. **Practice Direction (Sittings),** Lloyd-Jacob J. [1961] 1 W.L.R. 891.

Application for extension of term

Fixing of "appointed day"

R.S.C., Ord. 53A, r. 4 (*c*).
Practice Direction (Extension of Patent), Ch.D. [1961] 1 W.L.R. 938.

Confidential information. (*See also* CONFIDENTIAL INFORMATION; RESTRAINT OF TRADE.)

Invention of patented device

Confidential disclosure of features of similar device—Unconscious use of information without consent—Information partly public and partly private—Duty of confidence—Damages. **Seager v. Copydex Ltd.,** C.A. [1967] 1 W.L.R. 923.

PATENT—*continued.*

Confidential information—*continued.*

Licence to manufacture article

Use of confidential information—Manufacture of similar article by licensee—Trade in competition with licensor—Form of relief.
Peter Pan Manufacturing Corpn. v. Corsets Silhouette Ltd., Pennycuick J. [1964] 1 W.L.R. 96.

Master and servant

Assignment of business and pledges of secrecy—Action to restrain disclosure of information—Application for patent—Publication of information by assignee in specification.
O. Mustad & Son v. Dosen, H.L.(E.) [1964] 1 W.L.R. 109.

Invention by managing director—Knowledge of rival patent—Knowledge concealed—Use of confidential information to own advantage—Duty of confidence.
Cranleigh Precision Engineering Ltd. v. Bryant, Roskill J. [1965] 1 W.L.R. 1293.

Costs

Taxation

Experiments—Experiments continued after discontinuance of proceedings—Employment of own experts, materials and premises—Principles on which costs recoverable—R.S.C., Ord. 103, r. 26. *In re* **Nossen's Letter Patent,** Lloyd-Jacob J. [1969] 1 W.L.R. 638.

Crown, use by

"Make, use or exercise"

"Services of the Crown"—Drug—User of invention for National Health Service—Acceptance of tender of importer from abroad—Whether making, using or exercising for the services of the Crown—Meaning of "for"—"Use"—Patents Act, 1949, s. 46 (1) (6). **Pfizer Corpn. v. Ministry of Health,**
Lloyd-Jacob J. [1964] Ch. 614; [1963] 2 W.L.R. 286.
C.A. [1964] Ch. 614; [1963] 3 W.L.R. 999.
H.L.(E.) [1965] A.C. 512; [1965] 2 W.L.R. 387.

Design

Innocent infringement

Textile piece goods—Infringement of registered design—Damages—Innocent infringement, proof of—Onus—Nigeria.
Khawam v. K. Chellaram & Sons (Nig.) Ltd., P.C. [1964] 1 W.L.R. 711.

Extension

Application for

Advertisement—Title of invention to be included—R.S.C., Ord. 53A, r. 4 (*d*).
Practice Direction (Extension of Term of Patent), Ch.D. [1963] 1 W.L.R. 812.

Practice

Application to comptroller for—Intimation by comptroller that previous decision likely to be followed—Patentees' application to court for declaration as to construction of section—Jurisdiction of court to make declaration—Whether ousted by election to apply to statutory tribunal—Patents Act, 1949, s. 24 (1) (2) (9).
In re **Al-Fin Corpn.'s Patent,** Graham J. [1970] Ch. 160; [1969] 2 W.L.R. 1405.

War loss

Hostilities between His Majesty and any foreign state—"Foreign state"—Whether including recognised and unrecognised states with defined territories and effective government in control—Whether question of fact—North Korea—Patents Act, 1949, s. 24 (1) (2) (8).
In re **Al-Fin Corpn.'s Patent,** Graham J. [1970] Ch. 160; [1969] 2 W.L.R. 1405.

Interlocutory proceedings

Summonses

Matters likely to be adjourned into court—Agreement between parties—Preliminary hearing before master unnecessary—Procedure to be followed—Not applicable to summons for directions under R.S.C., Ord. 103, r. 26.
Practice Direction (Patent Summonses), Ch.D. [1970] 1 W.L.R. 94.

"Invention"

Agriculture

Method of tenderising meat—Whether "manner of new manufacture"—Patents Act, 1949, s. 101—Statute of Monopolies, 1623, s. 6.
Reg. v. Patents Appeal Tribunal, *Ex parte* **Swift & Co.,** Divl.Ct. [1962] 2 Q.B. 647; [1962] 2 W.L.R. 897.

Opposition to grant

Prior publication alleged

Before priority date specification received by employee of another company—Communication to single member of public without fetter—Whether "made available to the public"—Patents Act, 1949, ss. 14 (1) (*b*) (ii), 101.
Reg. v. Patents Appeal Tribunal, *Ex parte* **Løvens Kemiske Fabriks Handelsaktieselskab,** D.C. [1968] 1 W.L.R. 1727.

PATENT—*continued.*

Refusal to proceed with application

Comptroller's jurisdiction

Whether patentable in law—Patents Appeal Tribunal—Patents Act, 1949, s. 6.
Reg. v. Patents Appeal Tribunal, *Ex parte* **Swift & Co.,** Divl.Ct. [1962] 2 Q.B. 647; [1962] 2 W.L.R. 897.

Revocation

Insufficiency

Antibiotics—Strains of micro-organism deposited in culture collection—Refusal of patentee to make strains available at date of publication of complete specification—Whether refusal ground for revocation of patent—Whether complete specification sufficiently and fairly described invention—Patents Act, 1949, s. 32 (1) (*h*) (*i*) (*j*).
American Cyanamid Co. v. Upjohn Co., H.L.(E.) [1970] 1 W.L.R. 1507.

Specification

Amendment

Disclaimer—Opinion feature of invention modified to become essential feature.
Amp Inc. v. Hellermann Ltd., H.L.(E.) [1962] 1 W.L.R. 241.

Patentee's application for leave to amend specification—Advertisement of proposed amendment to include title of invention—R.S.C., Ord. 95, r. 19 (*a*)—Patents Act, 1949, s. 30.
Practice Direction (Patents: Amendment of Specification), Ch.D. [1965] 1 W.L.R. 1110.

Threat of proceedings

Interlocutory relief

Threats to plaintiff company's customers of action for infringement of patent—Threats including solicitors' letter—Action for infringement of patent begun by defendants following threats of proceedings—Whether plaintiffs entitled to interlocutory relief pending judgment in action—Patents Act, 1949, s. 65.
H.V.E. (Electric) Ltd. v. Cufflin Holdings Ltd., C.A. [1964] 1 W.L.R. 378.

PATERNITY. *See* Legitimacy.

PAYMENT INTO COURT. *See* Costs; Legal Aid; Practice.

PEDLAR. *See* Hawkers and Pedlars.

PENSION. *See* Military Law; Police.

PENSION SCHEME. *See* Fatal Accidents Acts; Master and Servant.

PERJURY. (*See also* Crime; Fraud (**Fraud to court**).)

Whether a tort

Conspiracy

Conspiracy by police officers to give evidence against plaintiff—Whether actionable.
Marrinan v. Vibart, Salmon J. [1963] 1 Q.B. 234; [1962] 2 W.L.R. 1224.
C.A. [1963] 1 Q.B. 528; [1962] 3 W.L.R. 912.

PERPETUITY RULE

Dependent or independent trust

Whether dependent or independent of exhaustion of prior trusts

Disposition of capital for charities—Intervening discretionary trusts—Whether ulterior trusts to charities valid.
In re **Hubbard's Will Trusts,** Buckley J. [1963] Ch. 275; [1962] 3 W.L.R. 682.

Whether failure on ground of perpetuity provided against

Ultimate limitation of capital "in the event of there being a failure of the trusts hereinbefore declared"—Whether ultimate trust dependent or independent of prior trusts.
In re **Buckton's Settlement Trusts,** Pennycuick J. [1964] Ch. 497; [1964] 2 W.L.R. 1318.

Discretionary trust

No limit of time

Imperative trust for employees' superannuation and bonuses—Invalidity of trust—Trust not qualified for registration under Act of 1927—Registered fund, one established in connection with an undertaking, not by third person—Superannuation and other Trust Funds (Validation) Act, 1927, ss. 1, 2.
In re **Flavel's Will Trusts,** Stamp J. [1969] 1 W.L.R. 444.

PERPETUITY RULE—*continued.*

Discretionary trust—*continued.*

Power of selection

Discretionary power to apply life assurance policy money—" Benefit of wife, children or other issue "—" Or failing them " for statutory next-of-kin—No particular period specified for executive of power of selection—Whether must be executed within reasonable period —Whether void for perpetuity.
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Second or subsequent mortgagee to inquire whether possession order obtained by first mortgagee—Correspondence to be produced to master.
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Motion

Injunction—Evidence filed by defendant—Direct conflict of fact—Whether motion can be stood over to trial. **Pictograph Ltd. v. Lee-Smith Photomechanics Ltd.,** Pennycuick J. [1964] 1 W.L.R. 402.

————Injunction granted ex parte—Defendants' application ex parte to discharge or vary. **London City Agency (JCD) Ltd. v. Lee,** Megarry J. [1970] Ch. 597; [1970] 2 W.L.R. 136.

Order, drawing up

Order on motion—Solicitors' right to draw up order—Procedure to be adopted.
Practice Direction (Chancery Motions: Drawing up Orders), Ch.D. [1970] 1 W.L.R. 249.

Preparation of draft. **Practice Direction (Orders Drawn Up by Chancery Registrars),** Ch.D. [1961] 1 W.L.R. 47.

Order for examination

Company—Winding up—Procedure to discharge or vary order—Companies Act, 1948, s. 268 (1) (2) (3).
In re **Rolls Razor Ltd. (No. 2),** Megarry J. [1970] Ch. 576; [1970] 2 W.L.R. 100.

Originating summons, ex parte

Recovery of land—Ex parte application for order for possession against unnamed persons—Identity of trespassers unknown—Whether jurisdiction to make order for possession in ex parte proceedings—R.S.C., Ord. 5, rr. 1, 2, 3, 4, 5; Ord. 7, r. 2 (1).
In re **Wykeham Terrace, Brighton,** Stamp J. [1970] 3 W.L.R. 694.

PRACTICE—*continued.*

Chancery Division—*continued.*

Payment out of court

Payment to solicitor and nominee of person entitled—Absence of signed written authority —Form of order. **Woodhead v. Bates,** Ungoed-Thomas J. [1963] 1 W.L.R. 926.

Possession of land

Summary proceedings—Procedure to be adopted—R.S.C., Ord. 113. **Practice Direction (Possession of Land: R.S.C., Ord. 113),** Ch.D. [1970] 1 W.L.R. 1250.

Procedure summons

Listing—Procedure summons not to be listed for hearing on motion days—To be heard shortly after setting down—Originating summonses in Witness List—To be placed in Part 2 if estimated not to last more than two days—Adjournment into court—Provision for adjournment into Non-Witness List. **Practice Direction (Chancery Summonses: Listing),** Ch.D. [1969] 1 W.L.R. 1257.

Proceedings by beneficiary against trustees

Allegation of breach of trust—Whether proceedings properly instituted by originating summons—Whether by writ—R.S.C. (Rev. 1965), Ord. 5, r. 4. *In re* **Sir Lindsay Parkinson & Co. Ltd. Settlement Trusts,** Buckley J. [1965] 1 W.L.R. 372.

Receiver's powers

Small repairs not exceeding £150—Right to be done without leave—Excess allowable if reasonable. **Practice Direction (Chancery Division: Miscellaneous Directions),** Ch.D. [1970] 1 W.L.R. 520.

Short causes

Short causes to be listed on Wednesdays—Manchester and Liverpool short causes to be disposed of on days when Lancashire business disposed of. **Practice Direction (Short Causes),** Ch.D. [1965] 1 W.L.R. 1491.

Summary judgment

Specific performance—Agreement for the grant of a lease at a premium—Whether " agreement for the sale or purchase of property "—R.S.C. (Rev. 1965), Ord. 86, r. 1 (1) (*a*). **Young v. Markworth Properties Ltd.,** Cross J. [1965] Ch. 475; [1965] 2 W.L.R. 679.

———————Contract for sale of foreign land—Defendant within jurisdiction—R.S.C. (Rev. 1965), Ord. 86, rr. 1 (1), 4. **Richard West & Partners (Inverness) Ltd. v. Dick,** Megarry J. [1969] 2 Ch. 424; [1969] 2 W.L.R. 383; C.A. [1969] 2 Ch. 424; [1969] 2 W.L.R. 1190.

Termination of proceedings

Chambers' matters—Procedure to be followed. **Practice Direction (Chancery Division: Miscellaneous Directions),** Ch.D. [1970] 1 W.L.R. 520.

Termination of proceedings by consent

Plaintiff's or applicant's solicitor to report termination. **Practice Direction (Termination of Proceedings by Consent),** Ch.D. [1963] 1 W.L.R. 246.

Title of proceedings

Inheritance (Family Provision) Act. **Practice Direction (Title of Proceedings),** Ch.D. [1963] 1 W.L.R. 417.

Trial

Witness list—Fixed dates. **Practice Direction (Witness List: Fixed Dates),** Ch.D. [1961] 1 W.L.R. 561.

Vendor and purchaser summonses

Days to be given for hearing—Not to be placed in Non-Witness List. **Practice Direction (Vendor and Purchaser Summonses),** Ch.D. [1967] 1 W.L.R. 481.

Expedited procedure—Cancellation. **Practice Direction (Chancery Division: Miscellaneous Directions),** Ch.D. [1970] 1 W.L.R. 520.

Witness list

List to be in two parts—Part 1 for fixed dates—Part 2 for actions estimated not to last more than two days for which no date fixed—Part 2 cases to be in " Warned List " for seven days—Actions thereafter to be liable to be in " Daily Cause List " on one clear day's notice—Transitional provisions. **Practice Direction (Witness Actions: Warned List),** Cross J. [1966] 1 W.L.R. 538.

Notification of circumstances affecting length of hearing—No fixed dates at present, unless already published—In special circumstances, applications to fix trial to be made to judge. **Practice Note (Chancery Causes: Fixed Dates),** Buckley J. [1970] 1 W.L.R. 525.

PRACTICE—*continued.*

Chancery Division—*continued.*

Witness List Part 2

Actions estimated to last two days—Arrangements to expedite hearing.
Practice Note (Chancery Causes: Witness List Part 2), Ch.D. [1969] 1 W.L.R. 322.

Witness summons

Originating summons estimated not to last more than two days—To be placed in Part 2 of Witness List—Provisions for adjournment to Non-Witness List.
Practice Direction (Chancery Summonses: Listing), Ch.D. [1969] 1 W.L.R. 1257.

Originating summons or summons "with witnesses" or "liberty to adduce oral evidence"—Estimated length of hearing—Counsel's certificate to be annexed to summons.
Practice Direction (Estimated Length of Hearing), Ch.D. [1963] 1 W.L.R. 326.

Circuity of action, avoidance of

Appeal

Debt due by X to bankrupt—Successful claim by trustee—Appeal by X without locus standi —Whether entertainable. *In re* **Duckett**, C.A. [1964] Ch. 398; [1964] 2 W.L.R. 106.

Commercial Court. *See* COMMERCIAL COURT.

Company. *See* COMPANY.

Consent summons

Effect

Divorce—Wife's prayer for maintenance dismissed on lump sum payment by husband—Subsequent application for maintenance—Whether sanction of court to agreement mere formality. **L. v. L.**, C.A. [1962] P. 101; **[1961] 3 W.L.R. 1182.**

Consolidation of actions

Deconsolidation of actions

Libel—Two actions by two plaintiffs in respect of identical newspaper articles—Actions consolidated on plaintiff's application—Subsequent disagreement between plaintiffs—Whether jurisdiction to deconsolidate actions—Whether deconsolidation proper—R.S.C. (Rev. 1962), Ord. 15, rr. 5, 18.
Lewis v. Daily Telegraph Ltd. (No. 2), C.A. [1964] 2 Q.B. 601; [1964] 2 W.L.R. 736.

Contempt of court. *See* CONTEMPT OF COURT.

Costs. *See* COSTS.

Court of Protection. (*See also* MENTAL DISORDER.)

Patient's property

Application for settlements, gifts or execution of wills—Procedure—Evidence—"Statutory wills"—Mental Health Act, 1959 (as amended by Administration of Justice Act, 1969), ss. 103 (1) (*d*) (*dd*) (3), 103A. **Practice Note (Court of Protection: Property)**, Ct. of Protection [1970] 1 W.L.R. 228.

Wills

Application for order to nominated judge—Except where unreasonable expense or delay caused—Mental Health Act, 1959 (as amended by Administration of Justice Act, 1969), s. 103 (1) (*dd*). **Practice Direction (Court of Protection: Wills)**, Ct. of Protection [1970] 1 W.L.R. 259.

Criminal law. *See* CRIME.

Custody. *See* INFANT.

Death of party

Effect. *See* HUSBAND AND WIFE.

Decimalisation

Probate and Divorce Registries

Decimal currency figures to be used—Decimal Currency Act, 1969, Sch. 1.
Practice Direction (P.D.A.: Decimal Currency), P.D.A. [1970] 1 W.L.R. 1251.

Certiorari, relation to

Inferior tribunal—Foreign Compensation Commission—Determination—"No certiorari clause"—Construction of Order in Council—Whether error within jurisdiction—Tribunal's power to determine but not to enforce the liability—Whether tribunal party to action for declaration that determination a nullity—Foreign Compensation Act, 1950, s. 4 (4). **Anisminic Ltd. v. Foreign Compensation Commission,**
C.A. [1968] 2 Q.B. 862; [1967] 3 W.L.R. 382.
H.L.(E.) [1969] 2 A.C. 147; [1969] 2 W.L.R. 163.

Declaratory judgment. (*See also* TRIBUNAL (**Statutory**).)

PRACTICE—*continued.*

Declaratory judgment—*continued.*

Consequential relief not available

Jurisdiction of court—R.S.C., Ord. 25, r. 5.
Eastham v. Newcastle United Football Club Ltd., Wilberforce J. [1964] Ch. 413; [1963] 3 W.L.R. 574.

Discretion

Farming partnership terminated by notice—No steps taken to wind up—Action for injunctions restraining partner from going on land—No other relief asked for in statement of claim—Refusal of court to grant injunctions—Declaration that partner not agricultural tenant—R.S.C., Ord. 15, r. 17; Ord. 18, r. 15.
Harrison-Broadley v. Smith, C.A. [1964] 1 W.L.R. 456.

Substantiality of action unaffected by changes between issue of writ and trial.
Gibson v. Union of Shop, Distributive and Allied Workers, Buckley J. [1968] 1 W.L.R. 1187.

Summons for declaration that chartered accountant prohibited by dissolution agreement from canvassing partnership clients—No consequential relief claimed—No breach or threatened breach—Canvassing clients breach of professional etiquette—Declaration that clause meaningless and unenforceable—Declaration beyond judge's jurisdiction—R.S.C., Ord. 15, r. 16. **Mellstrom v. Garner**, C.A. [1970] 1 W.L.R. 603.

Whether appropriate to grant declaration as "staging post" in county court proceedings.
Byrne v. Herbert, Lawton J. [1966] 2 Q.B. 121; [1966] 2 W.L.R. 19.

Error of law by inferior tribunal

National Insurance Commissioner—Jurisdiction of court—Discretion—National Insurance Act, 1946, ss. 13 (1), 43 (1) (3) (4)—National Insurance (Claims and Payments) Regulations, 1948, reg. 9—Tribunals and Inquiries Act, 1958, ss. 1, 11, Sch. 1, Pt. I, para. 11.
Punton v. Ministry of Pensions and National Insurance (No. 2), Phillimore J. [1963] 1 W.L.R. 1176.
C.A. [1964] 1 W.L.R. 226.

Foreign divorce, validity. See HUSBAND AND WIFE (**Divorce**).

Interest of applicant

Extent of interest necessary to support claim for declaratory judgment—R.S.C., Ord. 15, r. 16. **Wilson, Walton International (Offshore Services) Ltd. v. Tees and Hartlepools Port Authority**, Buckley J. [1969] 1 Lloyd's Rep. 120.

Interim declaration

Whether jurisdiction to grant.
International General Electric Company of New York Ltd. v. Comrs. of Customs and Excise, C.A. [1962] Ch. 784; [1962] 3 W.L.R. 20.

Jurisdiction to make

Effectiveness—Validity of constitution of independent state.
Buck v. Attorney-General, C.A. [1965] Ch. 745; [1965] 2 W.L.R. 1033.

Prosecutions for non-compliance with enforcement notice—Convictions by criminal court based on validity of notice—Subsequent civil proceedings to challenge validity of notice—Whether remedy by declaration available to determine question of law already determined by appropriate criminal court.
Munnich v. Godstone Rural District Council, C.A. [1966] 1 W.L.R. 427.

Non-justiciable dispute

Medical practitioner's claim for declaration that acting in accordance with professional ethics defined by rules governing profession—Whether matter justicable—Whether court jurisdiction to make declaration—R.S.C. (Rev. 1962), Ord. 15, r. 17.
Cox v. Green, Plowman J. [1966] Ch. 216; [1966] 2 W.L.R. 369.

Nullity

Marriage void ab initio—Declaratory judgment not an alternative to decree of nullity—R.S.C., Ord. 25, r. 5.
Kassim (orse. Widmann) v. Kassim (orse. Hassim) Carl and Dickson cited), Ormrod. J. [1962] P. 224; [1962] 3 W.L.R. 865.

Race relations. See RACE RELATIONS.

Relator action. See INJUNCTION.

Restrictive covenant. See RESTRICTIVE COVENANT.

Title to land

Declaration of right—Notwithstanding refusal of consequential reliefs—English R.S.C., Ord. 25, r. 5, applicable by statute—Construction—Wide discretionary power—No unqualified rule of practice precluding declaration in absence of some interested persons—R.S.C., Ord. 25, r. 5. **Ibeneweka v. Egbuna**, P.C. [1964] 1 W.L.R. 219.

PRACTICE—*continued.*

Declaratory judgment—*continued.*

Town and country planning

Claim for declaration that 35 acres of land an "existing site"—Failure to prove full claim—Subsequent claim for declarations in respect of smaller areas—No amendment of pleadings—Whether legitimate to ask court for declaration if lesser claim proved.
Biss v. Smallburgh Rural District Council, C.A. [1965] Ch. 335; [1964] 3 W.L.R. 88.

Development—Declaration that development not in accordance with development plan—Planning applications not referred to Minister by local planning authority—Whether adjoining landowners status to seek declaration.
Gregory v. Camden London Borough Council, Paull J. [1966] 1 W.L.R. 899.

Useful purpose

Whether police commissioner properly transferred police inspectors.
Merricks v. Nott-Bower, C.A. [1965] 1 Q.B. 57; [1964] 2 W.L.R. 702.

Discontinuance of action

Costs

Interlocutory order of "costs in the cause"—Effect—R.S.C. (Rev. 1965), Ord. 21, r. 3 (1); Ord. 25, r. 1 (4) (5).
J. T. Stratford & Son Ltd. v. Lindley (No. 2), C.A. [1969] 1 W.L.R. 1547.

Discovery

Inspection

Written agreement—Disputed signature—Application for order for production of documents for test of signature by plaintiffs' expert—Jurisdiction to order production—R.S.C., Ord. 31, r. 14; Ord. 50, r. 3. *In re* **Saxton, decd.,** Wilberforce J. [1962] 1 W.L.R. 859.
C.A. [1962] 1 W.L.R. 968.

List of documents

Failure to serve—Pleadings closed—Plaintiff's failure to serve list—Motion that action be dismissed—Belated discovery shortly before motion heard—Whether plaintiff to be put on terms to prosecute action—Whether application for express order for discovery necessary prerequisite to dismissal of action for want of prosecution—R.S.C. (Rev. 1965), Ord. 24, rr. 2 (1), 3 (1), 17 (1).
Chipchase v. Rosemond, Pennycuick J. [1965] 1 W.L.R. 153.

Originating summons

Action commenced by—Whether order for discovery automatic—Whether discretionary—Summons for repayment of loan—Alleged moneylending transactions—Defendant's application for limited discovery of documents—Whether proper case for limited order—R.S.C., Ord. 24, rr. 3, 8. **Coni v. Robertson,** Cross J. [1969] 1 W.L.R. 1007.

Privilege. See also CROWN (**Privilege**).)

Insurance—Assessor's report obtained by brokers on instructions from underwriters—Whether underwriters' document—Whether privileged against assured.
Anglo-African Merchants Ltd. v. Bayley, Megaw J. [1970] 1 Q.B. 311; [1969] 2 W.L.R. 686.

Journalist—Confidential information given to.
Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.

Probate action—Attesting witness's statements to solicitor acting for party.
In the Estate of Fuld, decd., Scarman J. [1965] P. 405; [1965] 3 W.L.R. 162.

Production of documents—Accident in course of employment—Statement made by plaintiff to defendant employers' insurers—Made in anticipation of litigation—Whether privileged. **Britten v. F. H. Pilcher & Sons,** Thesiger J. [1969] 1 All E.R. 491.

Professional privilege—Communications between client and foreign lawyers before litigation contemplated—Foreign proceedings between same parties relating to same subject-matter—Whether privileged.
In re **Duncan, decd.,** Ormrod J. [1968] P. 306; [1968] 2 W.L.R. 1479.

Wardship proceedings—Local authority's case records—Records made by child care officers—Statutory duty to keep records—Whether liable to disclosure—Boarding-Out of Children Regulations, 1955, reg. 10. *In re* **D. (Infants),** C.A. [1970] 1 W.L.R. 599.

Relevance of document

Libel and slander—Malicious falsehood—Special damage not alleged—Whether discovery of plaintiff's income to be ordered—R.S.C., Ord. 31, r. 19A (3)—Defamation Act, 1952, s. 3. **Calvet v. Tomkies,** C.A. [1963] 1 W.L.R. 1397.

Relevance of documents

Alleged moneylending transactions—Whether documents after date of transactions material—Whether disclosable—R.S.C. (Rev. 1965), Ord. 24, r. 7.
Marshall v. Goulston Discount (Northern) Ltd., C.A. [1967] Ch. 72; [1966] 3 W.L.R. 599.

PRACTICE—*continued.*

Discovery—*continued.*

Representative capacity

Defendants sued in representative capacity—Documents handed over to defendant in individual capacity—Whether individual defendant bound to disclose as "party" to action—R.S.C. (Rev. 1965), Ord. 24, r. 7. **Buchanan-Michaelson v. Rubinstein,** Pennycuick J. [1965] Ch. 258; [1964] 3 W.L.R. 1235.

Restrictive practices. See RESTRICTIVE PRACTICES.

Solicitors' responsibility

Scope of discovery before trial and after writ issued—Advice to clients of need to search for and not destroy relevant documents—Importance in case of large corporations—Duty of full disclosure.
Rockwell Machine Tool Co. Ltd. v. E. P. Barrus (Concessionaires) Ltd. (Practice Note), Megarry J. [1968] 1 W.L.R. 693.

Unnecessary or premature application

Intervention by court—Action alleging contract—Application for disclosure of documents relating to amount due under contract—Whether discovery "not necessary" before trial R.S.C. (Rev. 1965), Ord. 24, rr. 7, 8.
Buchanan-Michaelson v. Rubinstein, C.A. [1965] 1 W.L.R. 390.

Dismissal of action for want of prosecution

County court

Jurisdiction to dismiss action on defendants' application—County Courts Act, 1959, s. 103—County Court Rules, 1936 (as amended 1936–64)—R.S.C. (Rev. 1965), Ord. 13, rr. 3 (1) (2), 4 (3) (4).
Kirkpatrick v. Salvation Army Trustee Co. Ltd., C.A. [1968] 1 W.L.R. 1955.

Long delay

Claim for damages for personal injuries—Delay by plaintiff's solicitors pending arbitration between defendant and his insurers—Whether delay inexcusable—Further delay in obtaining medical report—Whether defendant seriously prejudiced.
Sayle v. Cooksey, C.A. [1969] 2 Lloyd's Rep. 618.

————————"Inexcusable delay" in prosecution of action—Duty of plaintiff's advisers—Whether action to be dismissed for want of prosecution—Discretion of court—R.S.C. (Rev. 1965), Ord. 25, r. 1 (4).
Fitzpatrick v. Batger & Co. Ltd., C.A. [1967] 1 W.L.R. 706.

————————Liability not in dispute—"Inordinate delay" in conduct of proceedings—Plaintiff obsessed by consequences of accident—Plaintiff's refusal to supply necessary information to solicitors—Whether "inexcusable" delay—Standard to be applied—Whether plaintiff's lack of alternative remedies if action dismissed a material factor—Whether defendant prejudiced when liability admitted—Whether difficult to verify heads of damage.
Martin v. Turner, C.A. [1970] 1 W.L.R. 82.

————————Trawler deck-hand—Difficulties in obtaining evidence—Whether delay inexcusable—Whether delay waived by request for notice to prosecute. **Spriggs v. Norrand Trawlers Ltd.,** C.A. [1969] 2 Lloyd's Rep. 627.

Claim for infringement of trade mark—Inexcusable and inordinate delay in prosecution of action—Counterclaim by defendants—No step taken by defendants to bring action to trial—Applications for dismissal of action and of counterclaim—Court's jurisdiction to hear both applications together—Parties in pari materia as to dismissal of proceedings—Discretion of court—Whether entitled to make terms as to dismissal of action—R.S.C. (Rev. 1965), Ord. 15, r. 2 (1) (2); Ord. 25, r. 1 (4).
Zimmer Orthopaedic Ltd. v. Zimmer Manufacturing Co. Ltd.,
Cross J. [1968] 1 W.L.R. 852.
C.A. [1968] 1 W.L.R. 1349.

Claim virtually admitted—Delay on both sides—Limitations period not expired—Whether exercise of discretion raises "point of law."
Instrumatic Ltd. v. Supabrase Ltd., C.A. [1969] 1 W.L.R. 519.

Complex proceedings between reinsurers and insurance brokers—Whether inexcusable delay—Whether defendants seriously prejudiced.
City General Insurance Co. Ltd. v. Robert Bradford & Co. Ltd., C.A. [1970] 1 Lloyd's Rep. 520.

Fault of legal advisers—"Inexcusable delay" in conduct of suit—Duty of parties' advisers—Whether action to be dismissed for want of prosecution—Principles applicable—Discretion of court. **Allen v. Sir Alfred McAlpine & Sons Ltd.,** C.A. [1968] 2 Q.B. 229; [1968] 2 W.L.R. 366.

PRACTICE—*continued.*

Dismissal of action for want of prosecution—*continued.*

Long delay—continued.

Fault of legal advisers—"Inordinate delay" in conduct of suit—Duty of parties' advisers—Whether action to be dismissed for want of prosecution—Discretion of court.
Reggentin v. Beecholme Bakeries Ltd. (Note), C.A. [1968] 2 Q.B. 276.

Illness of solicitor—Delay by both parties—Failure by liquidators of defendants to deal with claims—Whether defendants prejudiced—Non-expiry of limitation period—Effect.
Austin Securities Ltd. v. Northgate & English Stores Ltd., C.A. [1969] 1 W.L.R. 529.

Infant plaintiff—Claim for damages for personal injuries—Payment into court—Whether defendants prejudiced—Whether dismissal contrary to justice of case—Discretion of court. **Marlton (An Infant) v. Lee-Leviten,** C.A. [1968] 1 W.L.R. 1214.

Inordinate delay without excuse—Admission of liability—Serious prejudice to trial of issue as to damages—Dismissal of action. **Gloria v. Sokoloff,** C.A. [1969] 1 All E.R. 204.

Libel action against newspaper—Whether delay "inordinate" or "inexcusable"—Whether questions of fact—Whether prejudicial to newspaper—No summons for directions issued for nine months after delivery of defence—Application for dismissal for want of prosecution refused on terms—Order for security—Plaintiff's failure to comply—Further application to dismiss for want of prosecution—Judge's refusal to make order—Extension of time for payment of security—Whether justified.
Thomson v. Times Newspapers Ltd., C.A. [1969] 1 W.L.R. 1236.

Non-delivery of statement of claim—"Inexcusable delay" in conduct of suit—Whether remedy to plaintiff against his solicitor or trade union—Whether function of court to attribute or apportion blame. **Rowe v. Tregaskes,** C.A. [1968] 1 W.L.R. 1575.

————————————Summons to dismiss action—Statement of claim delivered before summons heard—Discretion of court—R.S.C. (Rev. 1965), Ord. 19, r. 1.
Clough v. Clough, C.A. [1968] 1 W.L.R. 525.

Third party proceedings—Defendant not wishing to stimulate plaintiff's proceedings against him—Whether excuse for not prosecuting third party proceedings with due diligence.
Slade & Kempton (Jewellery) Ltd. v. N. Kayman Ltd. (Liber Leroy, Third Party), C.A. [1969] 1 W.L.R. 1285.

Whether res judicata

"Sued." **Hart v. Hall & Pickles Ltd.,** C.A. [1969] 1 Q.B. 399; [1968] 3 W.L.R. 744.

Divorce. *See* HUSBAND AND WIFE.

Documents

Size of paper

Central office—International size paper No. 4 acceptable—R.S.C. (Rev. 1965), Ord. 66, r. 1.
Practice Direction (Central Office: Size of Documents), Q.B.D. [1968] 1 W.L.R. 1.

Enrolment of deeds poll

Change of name of minors

Proposed amendment—Interim procedure to be followed—Enrolment of Deeds (Change of Name) Regulations, 1949 (as amended)—R.S.C., Ord. 63, r. 10.
Practice Direction (Deed Poll: Minors) [1969] 1 W.L.R. 1330.

Evidence. *See* EVIDENCE.

Examiner. *See* EVIDENCE.

Execution. *See* EXECUTION.

Family provision. *See* FAMILY PROVISION.

Fatal Accidents Acts. *See* FATAL ACCIDENTS ACTS.

Foreign sovereign. *See* CONFLICT OF LAWS.

Garnishee proceedings

Counterclaim

Garnishee's counterclaim arising out of same transaction as judgment debt—Counterclaim not the subject of any legal proceedings by garnishee—Whether available to defeat garnishee proceedings—R.S.C. (Rev. 1965), Ord. 18, r. 17; R.S.C. (Rev. 1962), Ord. 45, r. 4. **Hale v. Victoria Plumbing Co. Ltd.,** C.A. [1966] 2 Q.B. 746; [1966] 3 W.L.R. 47.

Divorce

Maintenance—Jurisdiction of Divorce Court.
W. v. W., Phillimore J. and C.A. [1961] P. 113; [1961] 2 W.L.R. 878.

PRACTICE—*continued.*

Garnishee proceedings—*continued.*

Injunction

Garnishee order nisi in Queen's Bench Division following judgment in default of defence —Jurisdiction—Whether garnishee proceedings a "proceeding . . . pending"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41.
Llewellyn v. Carrickford, Ungoed-Thomas J. [1970] 1 W.L.R. 1124.

Habeas corpus. *See* HABEAS CORPUS.

House of Lords. *See* HOUSE OF LORDS.

Husband and wife. *See* HUSBAND AND WIFE.

Industrial tribunal

Appeal

"Notice" of decision—Tribunal's decisions given orally in first instance—Statutory duty to record decision in document giving reasons therefor—Copies to be sent to parties—Time for appeal to run from date when recorded decision sent to prospective appellant—Industrial Tribunals (Selective Employment Payments) Regulations, 1966, Sch., para. 8 —R.S.C. (Rev. 1965), Ord. 55, r. 4.
Minister of Labour v. Genner Iron & Steel Co. (Wollescote) Ltd., Divl.Ct. [1967] 1 W.L.R. 1386.

Infant. *See* INFANT.

Injunction. *See* INJUNCTION.

Inspection. *See* **Discovery.**

Interest. *See* INTEREST.

Interpleader proceedings

Costs

Defence plea of non-registration of plaintiff's business—Defendants' knowledge of possible rival claims—Whether interpleader proceedings brought with reasonable promptitude—Whether plaintiff entitled to relief from disability—Whether defendants entitled to costs. **Watson v. Park Royal (Caterers) Ltd.,** Edmund Davies J. [1961] 1 W.L.R. 727.

Interpreter

Civil litigation

Defendant in person—Foreign defendant ignorant of English—Rights of natural justice to be accorded to—Rights not to be imposed—Opportunity to be given to present own and attack opponent's case through interpreter—Whether defendant entitled to give evidence through interpreter from well of court—Whether defendant entitled to have evidence orally translated into English—Discretion of court.
In the Estate of Fuld, decd. (No. 2), Scarman J. [1965] 1 W.L.R. 1336.

Sheriff

Claim by debtor's wife—Determination of question "summarily" by court—Special appointment for hearing—Master's order reversed by Court of Appeal—Practice—R.S.C. (Rev. 1965), Ord. 17, r. 5 (2).
P.B.J. Davis Manufacturing Co. Ltd. v. Fahn, Fahn (Claimant), C.A. [1967] 1 W.L.R. 1059.

Winding up of company. *See* COMPANY.

Interrogatories

Divorce. *See* HUSBAND AND WIFE.

Irregularity of proceedings. (*See also* VOID OR VOIDABLE.)

Divorce

Guardian ad litem not appointed for defective respondent—Whether proceedings void—Whether Ord. 70, r. 1, applicable. **Balloqui v. Balloqui,** C.A. [1964] 1 W.L.R. 82.

Undefended divorce—Declaration that child not a child of the family made without knowledge of mother—Non-compliance with rule of pleading—Matrimonial Causes Rules, 1957, r. 4 (1) (*cc*). **S. v. S. (1964),** C.A. [1965] 1 W.L.R. 21.

PRACTICE—*continued.*

Irregularity of proceedings—*continued.*

Meaning of "proceedings"

Application ex parte before writ for extension of limitation period—Wrong order made without jurisdiction by district registrar—Whether irregularity or nullity—Whether application "proceedings"—Whether made to "court"—"Accidental slip or omission"—Limitation Act, 1963, s. 2 (1)—R.S.C. (Rev. 1965), Ord. 2, r. 1 (1); Ord. 20, r. 11.
Harkness v. Bell's Asbestos and Engineering Ltd., C.A. [1967] 2 Q.B. 729; [1967] 2 W.L.R. 29.

Service of defective copy of writ—R.S.C., Ord. 70, r. 1.
Smalley v. Robey & Co. Ltd., C.A. [1962] 1 Q.B. 577; [1962] 2 W.L.R. 245.

Parties not heard

Wholly irregular.
Ganapathy Chettiar v. Periakaruppan Chettiar, P.C. [1962] 1 W.L.R. 279.

Writ defectively entitled

Whether a nullity—"Queen's Bench" omitted.
Brady v. Barrow Steel Works Ltd., Payne J. [1965] 2 Q.B. 182; [1965] 2 W.L.R. 244.

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Discretion of court—Delay—R.S.C., Ord. 70, rr. 1, 2.
Pontin v. Wood, C.A. [1962] 1 Q.B. 594; [1962] 2 W.L.R. 258.

Judgment. *See* JUDGMENT.

Judgment by default

Writ of possession

Premises subject to Rent Acts—Judgment obtained by landlord under R.S.C., Ord. 14, after default of appearance by tenant—No consideration by a court whether reasonable to give judgment for possession—Whether landlord entitled to writ of possession—R.S.C. (Rev. 1962), Ord. 47, rr. 1, 2. **Peachey Property Corpn. Ltd. v. Robinson,** C.A. [1967] 2 Q.B. 543; [1966] 2 W.L.R. 1386.

————————Rent in arrears—Summons in Chancery Division for leave to sign judgment for possession—Jurisdiction—Whether reasonable to make order—R.S.C. (Rev. 1965), Ord. 19, r. 5—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3 (1), Sch. 1.
Lircata Properties Ltd. v. Jones, Pennycuick J. [1967] 1 W.L.R. 1257.

————————Writ claiming possession, arrears of rent and service charges, and mesne profits—Motion for leave to sign final judgment under R.S.C., Ord. 19, r. 6, after default of appearance or delivery of defence by tenant—Whether motion appropriate procedure—Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, s. 3—R.S.C. (Rev. 1965), Ord. 19, rr. 2 (1), 3, 5, 6.
Peachey Property Corpn. Ltd. v. Morley, Pennycuick J. [1967] 1 W.L.R. 1134.

Jury, civil action

Right to jury

Personal injuries—Exceptional case—Appellate court's guidance to judges—Trial by jury in exceptional circumstances.
Hodges v. Harland & Wolff Ltd., C.A. [1965] 1 W.L.R. 523.

————————Judge's discretion—When Court of Appeal will intervene—Ordinary case of personal injuries—Whether proper to be tried by judge alone—R.S.C., Ord. 36, r. 1. **Hennell v. Ranaboldo,** C.A. [1963] 1 W.L.R. 1391.

————————————————Power of appellate court to give guidance to judges—Rules for guidance in ordering mode of trial—Unsuitability of jury trial for cases of serious personal injury—Reasons for.
Ward v. James, C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

Charge of robbery—Whether "charge of fraud"—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 6 (1) (*a*).
Barclays Bank Ltd. v. Cole, C.A. [1967] 2 Q.B. 738; [1967] 2 W.L.R. 166.

"Special circumstances"—Personal injuries to female plaintiff—Injuries allegedly affecting sexual relations and child-bearing capacity—Whether "special circumstances" justifying order for trial with jury—Separate action by husband of plaintiff for loss of consortium—Order for trial of plaintiff's action with jury set aside by judge on ground that defendant entitled to consolidation of actions against him—Husband's action discontinued prior to appeal—R.S.C. (Rev. 1962), Ord. 36, rr. 1 (3), 2.
Watts v. Manning, C.A. [1964] 1 W.L.R. 623.

————————Severe personal injuries—Judge's discretion—Order for trial with jury set aside—Absolute discretion to be exercised in favour of trial by judge alone in absence of special circumstances—Desirability of uniformity in awards of damages in personal injuries cases—R.S.C. (Rev. 1962), Ord. 36, rr. 1 (3), 2.
Sims v. William Howard & Son Ltd., C.A. [1964] 2 Q.B. 409; [1964] 2 W.L.R. 794.

PRACTICE—*continued.*
Jury, civil action—*continued.*
Submission of no case. See **Submission of no case.**

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General verdict returned for defendant in libel action—Pleas of justification and privilege—Jury asked whether verdict on ground of justification or malice—Whether permissible—Effect of answer. **Barnes v. Hill,** C.A. [1967] 1 Q.B. 579; [1967] 2 W.L.R. 632.

Motion for new trial—Affidavits of jurors that answers given under misapprehension—Whether evidence admissible—Whether new trial to be ordered.
Boston v. W. S. Bagshaw & Sons (Note), C.A. [1966] 1 W.L.R. 1135.

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Libel. *See* LIBEL AND SLANDER.

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Trial or hearing during
Companies Court—Scheme of arrangement implementing merger—Timetable preventing hearing of petition during Trinity term—Scheme ready for sanction shortly after commencement of vacation—Loss caused by delay until Michaelmas term—Whether "urgent need" for hearing during Long Vacation—Whether exceptional circumstances—Value of Long Vacation—R.S.C. (Rev. 1965), Ord. 64, r. 4 (2).
In re **Showerings, Vine Products & Whiteways Ltd.'s Application (Practice Note),** Megarry J. [1968] 1 W.L.R. 1381.

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Hearing of summons in chambers—Two masters instead of three—To facilitate proceedings. **Practice Direction (Masters' Sittings),** Q.B.D. [1965] 1 W.L.R. 152.

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Public Trustee
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Practice Direction (Widows' and Minors' Funds: Investment), Q.B.D. [1970] 1 W.L.R. 470.

Short term investment account
Money paid into court—Transfer to investment account—Procedure by summons—Particulars required—R.S.C., Ord. 22.
Practice Note (Short Term Investment Account), Q.B.D. [1970] 1 W.L.R. 602.

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Application refused by Court of Appeal—Appeal to Privy Council—Whether Privy Council will interfere with court's discretion—R.S.C. of Malaya, 1957, Ord. 58, r. 22, as amended by Supreme Court (Amendment) Rules, 1960, r. 5 (3).
Ratnam v. Cumarasamy, P.C. [1965] 1 W.L.R. 8.

Service of notice of writ set aside—Notice of appeal out of time—No explanation for delay—Extension of time to appeal refused—Whether judge in exercise of discretion entitled to refuse extension.
Revici v. Prentice Hall Incorporated, C.A. [1969] 1 W.L.R. 157.

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"Circulating" in relevant area
Application for betting office licence—Westminster—"Sporting Life"—Betting and Gaming Act, 1960, Sch. 1, para. 6.
Reg. v. Westminster Betting Licensing Committee, *Ex parte* **Peabody Donation Fund,** Divl.Ct. [1963] 2 Q.B. 750; [1963] 2 W.L.R. 1402.

Official referees
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Pleadings to be lodged at time of issue—Nature of claim and defence to be stated at first hearing—Steps to be taken by parties within time limits set by order—Fixed dates—Expert evidence. **Practice Direction (Official Referees),** P.D.A. [1968] 1 W.L.R. 1425.

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Per incuriam
County court practice as to costs on applications for new leases—Not brought to attention of Court of Appeal.
Willis v. Association of Universities of the British Commonwealth (No. 2), C.A. [1965] 1 W.L.R. 836.

PRACTICE—*continued.*

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Dietz v. Lennig Chemicals Ltd., C.A. [1966] 1 W.L.R. 1349.
H.L.(E.) [1969] 1 A.C. 170; [1967] 3 W.L.R. 165.

"Judgment by default"—Judgment obtained under R.S.C., Ord. 14A, after default of appearance—Order for specific performance—Issues of fraud and lack of capacity now raised—No allegation of fraud in obtaining judgment—Inherent jurisdiction of court—R.S.C., Ord. 27, r. 15.
Dsane v. Hagan, Buckley J. [1962] Ch. 193; [1961] 3 W.L.R. 776.

Setting aside

Party not present—Principles applicable—Quasi-compromise of action—Probate—R.S.C. (Rev. 1962), Ord. 36, r. 33.
In re **Barraclough, decd.,** Payne J. [1967] P. 1; [1965] 3 W.L.R. 1023.

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Pleadings incomplete when judgment pronounced—Order to be post-dated to date when pleadings complete. **Luby v. Newcastle-under-Lyme Corpn.,** C.A. [1965] 1 Q.B. 214; [1964] 3 W.L.R. 500.

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Lant v. Lant, C.A. [1964] 1 W.L.R. 829.

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Appropriate procedure to invoke supervisory jurisdiction of court over inferior statutory tribunals—Requirements of valid originating summons—R.S.C., Ord. 54A, r. 1A.
Punton v. Ministry of Pensions and National Insurance, C.A. [1963] 1 W.L.R. 186.

Declaratory judgment—Summons invoking supervisory jurisdiction of High Court over statutory tribunal—Error of law by tribunal—National insurance commissioner—Question of mixed fact and law—Jurisdiction of court to grant declaration—Whether court should exercise discretion—R.S.C., Ord. 54A, r. 1A—National Insurance Act, 1946, s. 13 (1)—Tribunals and Inquiries Act, 1958, ss. 1, 11, Sch. 1, Pt. I, para. 11.
Punton v. Ministry of Pensions and National Insurance (No. 2),
Phillimore J. [1963] 1 W.L.R. 1176.
C.A. [1964] 1 W.L.R. 226.

Jurisdiction—Question as to basis of assessment of compensation for compulsory purchase—Matters within exclusive jurisdiction of Lands Tribunal—Whether correct procedure.
Harrison v. Croydon London Borough Council, Pennycuick J. [1968] Ch. 479; [1967] 3 W.L.R. 100.

Will—Specific questions on construction of will—General request for execution of trusts of will—Compromise approved on behalf of infants—Further questions relating to execution of trusts—Whether summons exhausted—Whether fresh summons required.
In re **Pattman's Will Trusts (Practice Note),** Cross J. [1965] 1 W.L.R. 728.

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Whether restrictive covenants would be enforceable against intending purchaser of land if contract of sale completed—Jurisdiction of court to determine—R.S.C., Ord. 5, r. 4.
In re **Gadd's Land Transfer,** Buckley J. [1966] Ch. 56; [1965] 3 W.L.R. 325.

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Summons to vacate alleged land charge—Whether estate agent's claim to commission capable of being a land charge—Issue of fact on entitlement to commission—Whether issue of vacation of register should be determined summarily on originating summons—Land Charges Act, 1925, s. 10 (1) class C (iii).
Georgiades v. Edward Wolfe & Co. Ltd., C.A. [1965] Ch. 487; [1964] 3 W.L.R. 653.

Rights of common

Proceedings to continue as if begun by writ—Originating summons to ascertain persons entitled under compensation fund—Nature and extent of plaintiff's rights of common not known—Summons asking specific questions—Whether proceedings should for "any reason" continue as if begun by writ—R.S.C., Ord. 28, r. 8 (1).
In re **Old Wood Common Compensation Fund,** Goff J. [1967] 1 W.L.R. 958.

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Method of enforcement provided by Statute—Income tax assessment—Jurisdiction of court. **Argosam Finance Co. Ltd. v. Oxby,** Plowman J. [1965] Ch. 390; [1964] 2 W.L.R. 882.

PRACTICE—*continued.*

Originating summons—*continued.*

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In re **Pritchard, decd.,** Wilberforce J. [1962] Ch. 913; [1962] 1 W.L.R. 870.
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Writ and memorandum of appearance—Amendment of existing direction—Masters' Practice Directions, Dir. No. 13 (1).
Practice Direction (Central Office: Description of Parties), Central Office [1969] 1 W.L.R. 1259.

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Cause of action against insured company—Indemnity for all sums "legally liable to pay"—Company in liquidation—Company's liability and quantum of damages not determined—Whether injured third party may sue insurers—Whether should apply for leave to sue company in liquidation—Third Parties (Rights against Insurers) Act, 1930, s. 1.
Post Office v. Norwich Union Fire Insurance Society Ltd.,
C.A. [1967] 2 Q.B. 363; [1967] 2 W.L.R. 709.

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Co-plaintiffs—Copyright infringement action—Action initiated by licensees—Copyright owners joined as co-plaintiffs—Subsequent withdrawal by owners of retainer to co-plaintiffs' solicitors—Owners' application to withdraw as co-plaintiffs and be added as defendants—Whether a discretion to strike out owners as co-plaintiffs—Whether appropriate case to make order—R.S.C., Ord. 16, r. 11.
Warwick Film Productions Ltd. v. Eisinger, Wilberforce J. [1963] 1 W.L.R. 756.

Interest in matters in dispute—Agreement with Minister to satisfy unsatisfied judgments obtained by third parties—Third party's action against assured motor cyclist—Motor cyclist's whereabouts and name of insurers unknown—Application by bureau to be added as defendants—Whether bureau "a person . . . whose presence . . . necessary to ensure . . . all matters in dispute effectually and completely adjudicated upon"—Road Traffic Act 1960, s. 207 (3)—R.S.C. (Rev. 1965), Ord. 5, r. 6.
Gurtner v. Circuit, C.A. [1968] 2 Q.B. 587; [1968] 2 W.L.R. 668.

————————Unenforceable obligation—Agreement with Minister to satisfy unsatisfied judgments obtained by third parties—Fund contributed to by members of bureau—Plaintiff insurers not members—Application by bureau to be added as defendant—Whether bureau "a person . . . whose presence . . . necessary to ensure . . . all matters in dispute effectually and completely adjudicated upon"—Road Traffic Act, 1960, s. 207 (3)—R.S.C., Ord. 15, r. 6 (2) (*b*).
Fire Auto and Marine Insurance Co. Ltd. v. Greene,
John Stephenson J. [1964] 2 Q.B. 687; [1964] 3 W.L.R. 319.

Joint contractors—Claim by one of two co-contractors on contract—Co-contractor not desirous of being joined as co-plaintiff—Application by plaintiff for leave to amend statement of claim to join co-contractor as second defendant—Opposition by defendants in absence of offer by plaintiff to indemnify co-contractor for his costs—Whether defendants have right to require indemnity against costs of co-contractor—Desirability of disposing of all matters arising out of joint contract once and for all.
Burnside v. Harrison Marks Productions Ltd., C.A. [1968] 1 W.L.R. 782

Landlord and tenant—Application for new lease of business premises—Whether mortgagee in possession of reversion a necessary respondent—Landlord and Tenant Act, 1954, ss. 44 (1), 67—County Court Rules, 1936, Ord. 40, rr. 8 (1), (2), 21 (2).
Meah v. Mouskos, C.A. [1964] 2 Q.B. 23; [1964] 2 W.L.R. 27.

————————Assignment of lease with landlord's consent—Assignee's action against landlord for declaration that assignment valid—Whether assignor a necessary party. **Theodorou v. Bloom,** Ungoed-Thomas J. [1964] 1 W.L.R. 1152.

Limitation period expired against proposed new defendant—R.S.C., Ord. 16, r. 5.
Lucy v. W. T. Henleys Telegraph Works Co. Ltd., C.A. [1970] 1 Q.B. 393; [1969] 3 W.L.R. 588.

PRACTICE—*continued.*
Parties—*continued.*
Joinder—continued.
Non-joinder of persons purporting to be members of parochial church council—Injunction to restrain parties and such persons "from acting as the parochial church council, or . . . as members of the said council."
Mulholland v. St. Peter, Roydon, Parochial Church Council, Pennycuick J. [1969] 1 W.L.R. 1842.

Plaintiffs' application to add defendants to counterclaim—Infant children of defendant, having interests extraneous to the subject-matter of the counterclaim and disinclined to oppose it—Whether "necessary" parties to the action—R.S.C., Ord. 15, r. 6 (2) (*b*).
Settlement Corpn. v. Hochschild (No. 2), Buckley J. [1969] 1 W.L.R. 1664.

Revenue—Dispute between executors and trustees—Result entailing tax consequences—Revenue willing to be party to decision having tax consequences—Application for joinder opposed by defendant trustees—Whether commissioners' presence "necessary to ensure . . . all matters in dispute . . . effectually and completely determined and adjudicated upon"—R.S.C., Ord. 15, r. 6 (2) (*b*).
In re **Vandervell's Trusts,** Buckley J. [1969] 1 W.L.R. 437.
C.A. [1970] Ch. 44; [1969] 3 W.L.R. 458.
H.L.(E.) [1970] 3 W.L.R. 452.

————Right to be heard—Amicus curiae.
Westminster Bank Executor and Trustee Co. (Channel Islands) Ltd. v. National Bank of Greece S.A., C.A. [1970] 1 Q.B. 256; [1969] 3 W.L.R. 468.

Summons for possession. *See* MORTGAGE.

Summons for possession of matrimonial home. *See* HUSBAND AND WIFE (**Matrimonial home**).

Trust for purchasers—Rectification—Whether vendor unaffected by trust necessary party.
Wilson v. Wilson, Buckley J. [1969] 1 W.L.R. 1470.

Misdescription
Amendment—Defendant limited company wrongly described as a firm—Whether power to amend—Limitation Act, 1939, s. 2 (1).
Davies v. Elsby Brothers Ltd., C.A. [1961] 1 W.L.R. 170.
Whittam v. W. J. Daniel & Co. Ltd., C.A. [1962] 1 Q.B. 271; [1961] 3 W.L.R. 1123.

"Feme sole"—Wrong way to describe spinster.
Ross v. Collins, C.A. [1964] 1 W.L.R. 425.

Name, change of
Change of surname during currency of proceedings—Substitution of new surname—Former surname to be mentioned in brackets.
Practice Direction (Change of Surname), Q.B.D. [1965] 1 W.L.R. 541.

Limited company—Use of new name in proceedings instituted prior to change—Old name to appear in brackets. **Practice Direction (Limited Companies' Change of Name),** Q.B.D. [1965] 1 W.L.R. 120.

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Representative acting
Individual member of unincorporated association claiming personally and on behalf of all save three of members of association—Motion to strike out whole writ, or the claim for relief in representative capacity—Affidavits by members not wishing to be represented by plaintiff—Whether writ should be struck out wholly or in part—R.S.C., Ord. 15, r. 12 (1) (3) (4) (5) (6).
John v. Rees, Megarry J. [1970] Ch. 345; [1969] 2 W.L.R. 1294.

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Jurisdiction of court to strike out of own volition if satisfied plaintiff lacks capacity to institute proceedings—Costs of Board of Trade.
Selangor United Rubber Estates Ltd. v. Cradock (No. 4), Ungoed-Thomas J. [1969] 1 W.L.R. 1773.

Third party procedure
Action for specific performance of agreement for sale of property—Earlier agreement by third party to sell same property to a defendant—Defendant's claim against third party for specific performance of earlier agreement—Whether "relating to or connected with" subject-matter of action—Whether relief sought "substantially the same"—R.S.C., Ord. 16, r. 1 (1) (*b*).
Standard Securities Ltd. v. Hubbard (Telesurance Ltd. Third Party), Pennycuick J. [1967] Ch. 1056; [1967] 3 W.L.R. 214.

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PRACTICE—*continued.*

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Action for arrears of rent and rates and payment for fuel consumption—Payment in—Whether necessary to state cause of action—R.S.C., Ord. 22, r. 1 (2).
Standard Pattern Co. Ltd. v. Ivey, Wilberforce J. [1962] Ch. 432; [1962] 2 W.L.R. 656.

Salvage claims by several tugs—Whether amount allocated to each tug should be designated—R.S.C., Ord. 22, r. 1 (5).
The Talamba, Hewson J. [1965] P. 433; [1965] 3 W.L.R. 562.

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Drawing up of order—Amendment of existing direction consequent upon amendment to R.S.C., Ord. 22, r. 10 (2)—Masters' Practice Direction, No. 16.
Practice Direction (Masters' Practice Directions), Central Office [1970] 1 W.L.R. 472.

Mistake—Money in court paid out in error—Whether inherent jurisdiction to order repayment. **Gainsborough Mixed Concrete Ltd. v. Duplex Petrol Installations Ltd.**, C.A. [1968] 1 W.L.R. 1463.

Money paid into court—Plaintiff's failure to give notice of acceptance within 14 days—Court order for payment out before trial—Whether order a judgment—Whether statutory right to interest—R.S.C., Ord. 22, r. 5—Law Reform (Miscellaneous Provisions) Act, 1934, s. 3 (1)—Administration of Justice Act, 1969, s. 22.
Waite v. Redpath Dorman Long Ltd., Fisher J. [1970] 3 W.L.R. 1034.

Two plaintiffs

Two salvage actions against the same defendants consolidated—Application for the payment of one sum into court in respect of both plaintiffs not to be apportioned by the defendants—Whether one or more causes of action—Discretion of court—R.S.C., Ord. 22, r. 1 (12). **The Bosworth (No. 1)**, Karminski J. [1961] 1 W.L.R. 312.

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Pleadings. (*See also* HUSBAND AND WIFE; LIBEL AND SLANDER.)

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Admission

Personal injuries action—Admission that accident occurred—Plea of contributory negligence—How to plead.
Fox v. H. Wood (Harrow) Ltd., C.A. [1963] 2 Q.B. 601; [1962] 3 W.L.R. 1513.

Amendment. (*See also* LIMITATION OF ACTION (**Vested right to limit**).)

Claim for specified sum for wasted expenditure after repudiation of contract "and damages"—Application to amend to add claim for loss of profits five years later—Inconsistent with claim pleaded—Whether court justified in refusing amendment.
Perestrello e Companhia Limitada v. United Paint Co. Ltd., C.A. [1969] 1 W.L.R. 570.

Court of Appeal—Fresh evidence not relevant to issue at trial—Leave to amend defence to render it relevant—Contract for sale of invention—Evidence that plaintiff had no title—Order for retrial. **Ellis v. Scott (No. 2)**, C.A. [1965] 1 W.L.R. 276.

————————Leave to amend refused.
Howell v. Sunbury-on-Thames Urban District Council, C.A. (1964) 62 L.G.R. 119.

————————Unsuccessful claim by workman for breach of building regulations—Appeal—Leave sought to amend pleadings to allege breach of regulations not relied on at trial—Discretion of appellate court to allow amendment on terms where party would clearly succeed on amended claim.
Curran v. William Neill & Son (St. Helens) Ltd., C.A. [1961] 1 W.L.R. 1069.

Leave to amend answer by adding cross-petition for desertion.
Tulley v. Tulley, Sir Jocelyn Simon P. [1967] P. 285; [1967] 2 W.L.R. 840.

Leave to amend in general form—Invalidity—R.S.C., Ord. 28, r. 12.
Busch v. Stevens, Lawton J. [1963] 1 Q.B. 1; [1962] 2 W.L.R. 511.

Leave to amend writ and statement of claim given at trial—Not formally recorded until after judgment—Order to be post-dated. **Luby v. Newcastle-under-Lyme Corpn.**, C.A. [1965] 1 Q.B. 214; [1964] 3 W.L.R. 500.

Misdescription—Father named as defendant in writ in mistake for son—Application to amend after expiry of period of limitation—Genuine mistake—Writ issued within limitation period—Intended defendant not misled—Whether court should exercise discretion to grant leave to amend—Whether just—Extension of validity of Writ—R.S.C., Ord. 20, r. 5; Ord. 6, r. 6.
Rodriguez v. R. J. Parker (Male), Nield J. [1967] 1 Q.B. 116; [1966] 3 W.L.R. 546.

PRACTICE—*continued.*

Pleadings—*continued.*

Amendment—*continued.*

Statement of claim alleging negligence against two alternative defendants—Plaintiff's employers not sued—Leave sought by second defendants to amend defence after expiry of limitation period—Proposed amendment alleging contributory negligence by plaintiff in failing to wear protective helmet supplied by employers—Whether court justified in allowing the amendment. **Turner v. Ford Motor Co. Ltd.,** C.A. [1965] 1 W.L.R. 948.

Whether new cause of action raised—R.S.C. (Rev. 1965), Ord. 20, r. 5.
The Katcher I, Brandon J. [1969] P. 65; [1969] 2 W.L.R. 395.

Company

Breach of duty by director—Need to aver.
Lindgren v. L. & P. Estates Ltd., C.A. [1968] Ch. 572; [1968] 2 W.L.R. 562.

Contract

Fundamental breach—Need to aver.
Hunt & Winterbotham (West of England) Ltd. v. B.R.S. (Parcels) Ltd., C.A. [1962] 1 Q.B. 617; [1962] 2 W.L.R. 172.

Conversion

Claim in respect of unspecified goods—Whether good cause of action.
Brightside and Carbrook (Sheffield) Co-operative Society Ltd. v. Phillips, C.A. [1964] 1 W.L.R. 185.

Damages

Defence—Reduction by novus actus interveniens—Whether allegation need be pleaded—Notice to plaintiff—R.S.C., Ord. 19, r. 15; Ord. 21, r. 4.
Weait v. Jayanbee Joinery Ltd., C.A. [1963] 1 Q.B. 239; [1962] 3 W.L.R. 323.

Future loss—Special circumstances probably leading to loss not otherwise reasonably to be expected—Steel erector injured in course of employment pleading loss of three-year contract to work abroad as steel erection supervisor—Evidence of loss of future prospects as steel erector in business on own account—Whether covered by pleading—No objection by defendants to evidence—Whether weight for consideration.
Domsalla v. Barr, C.A. [1969] 1 W.L.R. 630.

Unusual or not necessarily flowing from wrongful act—Claim for unliquidated damages arising from repudiation of contract—Loss of profits not capable of precise calculation—Whether recoverable under claim for "damages"—Principles to be applied.
Perestrello e Companhia Limitada v. United Paint Co. Ltd., C.A. [1969] 1 W.L.R. 570.

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Whether to be pleaded if raised as preliminary point—R.S.C., Ord. 19, r. 4; Ord. 25, rr. 2, 3. **Independent Automatic Sales Ltd. v. Knowles & Foster,** Buckley J. [1962] 1 W.L.R. 974.

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Statement of claim delivered during long vacation without direction of court—Whether void or voidable—Effect on subsequent proceedings—R.S.C., Ord. 64, r. 4; Ord. 70, r. 1—R.S.C. of Sierra Leone, Ord. 52, r. 3; Ord. 50, r. 1.
MacFoy v. United Africa Co. Ltd., P.C. [1962] A.C. 152; [1961] 3 W.L.R. 1405.

Negligence

Allegation of driver's drunkenness—Need to plead.
Bills v. Roe, C.A. [1968] 1 W.L.R. 925.

Departure—Unforeseeable facts emerging during case—Effect—Plaintiff found to have been injured at place other than as pleaded—Pleaded negligence irrelevant—No evidence satisfying court of defendant's breach of duty on facts found—Whether claim to be dismissed.
Waghorn v. George Wimpey & Co. Ltd., Geoffrey Lane J. [1969] 1 W.L.R. 1764.

No issue of facts

Statement of claim alleging facts and claiming relief—Defence admitting facts but denying right to relief—Whether plaintiff entitled to put in evidence.
Pioneer Plastic Containers Ltd. v. Comrs. of Customs and Excise, Buckley J. [1967] Ch. 597; [1967] 2 W.L.R. 1085.

Omissions

Whether right to allow new case to be raised after failure of pleaded case.
Soar v. National Coal Board, C.A. [1965] 1 W.L.R. 886.

Particulars

Action for account—Beneficiaries' action against trustees—Whether trustees entitled to particulars of sums alleged to be excessive.
In re **Wells, decd.,** Cross J. [1962] 1 W.L.R. 397.
C.A. [1962] 1 W.L.R. 874.

PRACTICE—*continued.*

Pleadings—*continued.*

Particulars—continued.

Condition of mind—"Never intended"—Allegations by plaintiff that he had contributed in equal shares to purchase price of house—Allegation that contributions "never intended" as gift to defendant—Whether negative allegation—Whether defendant entitled to particulars of "the overt acts of the plaintiff and the facts relied upon" by him—Whether plaintiff "any person"—R.S.C., Ord. 18, r. 12 (1) (4).
Feeney v. Rix, Cross J. and C.A. [1968] Ch. 693; [1968] 3 W.L.R. 376.

County court action—Defence to action for damages for trespass—Particulars claiming uninterrupted user for 20 years immediately prior to commencement of proceedings—Whether sufficient to cover all forms of prescription.
Pugh v. Savage, C.A. [1970] 2 Q.B. 373; [1970] 2 W.L.R. 634.

Fiduciary etc., relationship—Breach of duty arising from relationship—Necessity to specify with precision relationship relied on—Customer's action against banker for breach of duty—Particulars before delivery of defence—Jurisdiction of court to order—R.S.C., Ord. 18, r. 12 (3) (5).
Selangor United Rubber Estates Ltd. v. Cradock, Pennycuick J. [1965] Ch. 896; [1965] 2 W.L.R. 67.

Malicious prosecution—Defendant's denial of absence of reasonable and probable cause—Whether particulars should be ordered. **Stapeley v. Annetts**, C.A. [1970] 1 W.L.R. 20.

Negligence—Action for damages against driver of motor car—"All the provisions of the 'Highway Code applicable"—Whether further and better particulars invited.
Wells v. Weeks (Practice Note), Lawton J. [1965] 1 W.L.R. 45.

Not to be pleaded to.
Chapple v. Electrical Trades Union, Pennycuick J. [1961] 1 W.L.R. 1290.

"Ought to have known"—Action for personal injuries—Contributory negligence pleaded—Allegation that plaintiff "ought to have known" of existence of hole or opening—Whether particulars should be ordered—Admission that accident occurred—Whether plaintiff entitled to particulars—R.S.C., Ord. 19, r. 22.
Fox v. H. Wood (Harrow) Ltd., C.A. [1963] 2 Q.B. 601; [1962] 3 W.L.R. 1513.

Pregnant negative—Negative allegation in statement of claim—Traverse in defence—Whether affirmative allegation to be implied from traverse of negative allegation—Whether plaintiff entitled to participate.
Chapple v. Electrical Trades Union, Pennycuick J. [1961] 1 W.L.R. 1290.

Secret process—Action for misuse of confidential information—Application for particulars refused—Expert appointed on behalf of defendants to inspect plaintiff's allegedly secret process—Failure of plaintiffs to indicate what features were secret—Right of plaintiffs subsequently to give evidence of secret features.
Printers & Finishers Ltd. v. Holloway, Cross J. [1965] 1 W.L.R. 1.

Title—Claim to property—Both ownership and possession in issue—General allegation of title by plaintiff—Whether entitled to particulars of defendant's title.
Kemlo v. Heath, Cross J. [1964] 1 W.L.R. 729.

Reply

Desirability of avoiding—Pleading matters of reply in statement of claim—Acknowledgment of statute-barred debt.
Busch v. Stevens, Lawton J. [1963] 1 Q.B. 1; [1962] 2 W.L.R. 511.

Striking out. (*See also* LIBEL AND SLANDER.)

Action to recover illegal payment—Whether action maintainable.
Shaw v. Shaw, C.A. [1965] 1 W.L.R. 537.

Conspiracy—Issues of fact raised on pleadings—Trial of issues on affidavits in chambers—Improper procedure—Whether action frivolous and vexatious—R.S.C., Ord. 18, r. 19 (1) (2). **Wenlock v. Moloney**, C.A. [1965] 1 W.L.R. 1238.

Defence of servant justifying disclosure of confidential information—Whether disclosure justified in public interest—Whether defence unfounded.
Initial Services Ltd. v. Putterill, C.A. [1968] 1 Q.B. 396; [1967] 3 W.L.R. 1032.

Interlocutory summons by defendants to stay proceedings on ground that plaintiff's solicitors acting without authority—House of Lords affirming decision that plaintiff's solicitors acting with plaintiff's authority—Amendment of statement of claim—Summons by plaintiff seeking to strike out parts of defences as being res judicatae—Decisions of foreign courts on trade mark matters relied upon by plaintiff as creating an estoppel—Other foreign judgments relied on by defendants as creating a "counter-estoppel"—Whether reasoned judgments or formal records to be considered for purposes of estoppel—Whether interlocutory judgments capable of creating an estoppel—Whether plaintiff privy to plaintiff's solicitors in defendants' summons to stay proceedings—Judge's discretion to strike out matters as res judicatae—R.S.C. (Rev. 1965), Ord. 18, r. 19.
Carl Zeiss Stiftung v. Rayner & Keeler Ltd. (No. 3), Buckley J. [1970] Ch. 506; [1969] 3 W.L.R. 991.

PRACTICE—*continued.*

Pleadings—*continued.*

Striking out—continued.

Lease of chattels—Failure to comply with notice of breaches—Notice to terminate lease—Relief against forfeiture sought—No allegation of plaintiff's readiness to remedy breaches, or complaint of unconscionable behaviour by lessor—Application to strike out—R.S.C., Ord. 18, r. 19. **Barton Thompson & Co. Ltd. v. Stapling Machines Co.,** Pennycuick J. [1966] Ch. 499; [1966] 2 W.L.R. 1429.

Negligence—Action claiming damages for negligently misjudging university examinations—Whether action maintainable.
Thorne v. University of London, C.A. [1966] 2 Q.B. 237; [1966] 2 W.L.R. 1080.

Police officers' claim to declarations that power of transfer misused—Whether declarations would serve useful purpose—R.S.C., Ord. 19, r. 27; Ord. 25, r. 4.
Merricks v. Nott-Bower, C.A. [1965] 1 Q.B. 57; [1964] 2 W.L.R. 702.

Third party proceedings

Joint defendants--Third party notice served by one defendant on another—Set-off and counterclaim in defence to third party notice—Court's jurisdiction to allow—Discretion to strike out—R.S.C. (Rev. 1965), Ord. 15, rr. 2, 5; Ord. 16, r. 8.
The Normar, Cairns J. [1968] P. 362; [1968] 2 W.L.R. 704.

Post Office, use of

Central Office

Consent orders—Extension of time for filing legal aid certificate—Restoration of summonses. **Practice Notice (Central Office: Postal Service),** Central Office [1969] 1 W.L.R. 1260.

First and second class mail

Affidavit of service to be endorsed with type of mail—In absence of endorsement, second class mail presumed—Interpretation Act, 1889, s. 26—R.S.C. (Rev. 1965), Ord. 10, r. 1 (4); Ord. 12, r. 4. **Practice Direction (Admiralty Registry: First and Second Class Mail),** P.D.A. [1968] 1 W.L.R. 1726.

Service of documents—Affidavit of service to be endorsed with type of mail—In absence of endorsement, second class mail presumed—Interpretation Act, 1889, s. 26—R.S.C. (Rev. 1965), Ord. 10, r. 1 (4); Ord. 12, r. 4.
Practice Direction (Central Office: First and Second Class Mail), Q.B.D. [1968] 1 W.L.R. 1489.

Queen's Bench documents

Documents sent by post to solicitors—Associate's certificates with pleadings—Queen's Bench and Divisional Court orders—Queen's Bench Court of Appeal orders—No need for solicitors to attend to take up.
Practice Direction (Crown Office Certificates and Orders), Q.B.D. [1964] 1 W.L.R. 1158.

Taxing master's certificates

Queen's Bench Division—Certificates to be sent by post to solicitors concerned.
Practice Direction (Taxing Masters' Certificates), Q.B.D. [1964] 1 W.L.R. 885.

Writ

Service on company. *See* **Writ.**

Preliminary point. (*See also* **Originating summons.**)

Account

Plaintiff claiming against solicitor for account of fees received from defendant for defending action by plaintiff that all defendant's assets always had been plaintiff's—Action against defendant denying averments still undetermined—Whether solicitor's accountability triable as preliminary issue on basis of plaintiff establishing averments against defendant—R.S.C. (Rev. 1965), Ord. 33, r. 4 (1).
Carl Zeiss Stiftung v. Herbert Smith & Co., C.A. [1969] 1 Ch. 93; [1968] 3 W.L.R. 281.

Indecisive of substantial issue

Observations on need of care as choice of procedure—Urban Councils Ordinance (Legislative Enactments of Ceylon, 1956 Rev., c. 255).
David v. Abdul Cader, P.C. [1963] 1 W.L.R. 834.

Whether procedure appropriate.
Yeoman Credit Ltd. v. Latter, C.A. [1961] 1 W.L.R. 828.

Libel

Defence plea of uncertain applicability—Desirability of ascertaining facts before decision on legal issue—Libel—Report to superior officer of friendly foreign power—Whether issue of privilege triable as preliminary point of law.
Richards v. Naum, C.A. [1967] 1 Q.B. 620; [1966] 3 W.L.R. 1113.

PRACTICE—*continued.*

Preliminary point—*continued.*

Misconceived proceedings

Whether procedure appropriate—Allegations that local authority incompetent to sue and that solicitors issued writ without authority.
Warwick Rural District Council v. Miller-Mead, C.A. [1962] Ch. 441; [1962] 2 W.L.R. 284.

Pleading

Whether point of law need be pleaded—R.S.C., Ord. 19, r. 4; Ord. 25, rr. 2, 3.
Independent Automatic Sales Ltd. v. Knowles & Foster, Buckley J. [1962] 1 W.L.R. 974.

Questions of mixed fact and law

Whether procedure appropriate.
Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd., C.A. [1961] Ch. 375; [1961] 2 W.L.R. 196.

Questions of mixed fact and law involving whole subject-matter of action

Whether procedure appropriate.
Radstock Co-operative and Industrial Society Ltd. v. Norton-Radstock Urban District Council, C.A. [1968] Ch. 605; [1968] 2 W.L.R. 1214.

Privy Council. *See* PRIVY COUNCIL.

Probate. *See* PROBATE.

Relator action. *See* INJUNCTION.

Resale price maintenance. *See* RESALE PRICE MAINTENANCE (**Exemption**).

Restrictive practices. *See* RESTRICTIVE PRACTICES (**Practice**).

Revenue. *See* REVENUE.

Revival of proceedings

Change of law

Action stayed on ground of diplomatic immunity—Change in law possibly depriving defendant of immunity—Whether action still subsisting—Whether action to be tried—Diplomatic Privileges Act, 1964, s. 4, Sch. 1, arts. 31, 37.
Empson v. Smith, C.A. [1966] 1 Q.B. 426; [1965] 3 W.L.R. 380.

Rules of Supreme Court, new

Construction

Accident at work—Plaintiff in person issuing writ claiming relief but not stating cause of action—Service within limitation period—Defendants entering unconditional appearance to writ—Leave to amend writ after expiry of limitation period refused—Statement of claim to cure defective writ struck out—Whether revised Rules of Supreme Court retrogressive in effect—R.S.C., Ord. 6, r. 2 (1); Ord. 18, r. 15 (2); Ord. 20, r. 5.
Sterman v. E. W. & W. J. Moore, C.A. [1970] 1 Q.B. 596; [1970] 2 W.L.R. 386.

Whether change in law effected—Discretion to extend validity of writ—Old R.S.C., Ord. 8, r. 1—New R.S.C., Ord. 6, r. 8 (2). **Heaven v. Road and Rail Wagons Ltd.**, Megaw J. [1965] 2 Q.B. 355; [1965] 2 W.L.R. 1249.

Whether regulating practice and procedure or affecting substantive rights—R.S.C. (Rev. 1965), Ord. 20, r. 5. **Mitchell v. Harris Engineering Co. Ltd.**, C.A. [1967] 2 Q.B. 703; [1967] 3 W.L.R. 447.

Security for costs. (*See also* LEGAL AID (**Costs**).)

Company

Arbitration—Insolvency of claimant company—Whether jurisdiction to make order against company for security for respondent's costs—R.S.C., Ord. 23, r. 1—Arbitration Act, 1950, s. 12 (6) (*a*)—Companies Act, 1948, s. 447.
Bilcon Ltd. v. Fegmay Investments Ltd., Nield J. [1966] 2 Q.B. 221; [1966] 3 W.L.R. 118.

Foreign plaintiff—Suing on bill of exchange

Allegations by defendant acceptors that acceptance of bill was affected with fraud—Whether security for costs should be ordered—R.S.C., Ord. 23, r. 1.
Banque du Rhone S.A. v. Fuerst Day Lawson Ltd., C.A. [1968] 2 Lloyd's Rep. 153.

Husband and wife

Husband's appeal against maintenance order—Wife legally aided on appeal—Husband having ample means—Whether necessity for order for security for wife's costs—Whether order on husband to pay wife's costs to depend on all circumstances.
Norris v. Norris, C.A. [1969] 1 W.L.R. 1264.

Separate trials. *See* LIBEL AND SLANDER.

Sequestration. *See* SEQUESTRATION.

PRACTICE—*continued.*

Set-off

Counterclaim

Salvage award—Counterclaim for damages—Whether operating by way of set-off—Whether set-off before right to limit arises.
The Tojo Maru, Willmer L.J. [1970] P. 21; [1969] 2 W.L.R. 594.
C.A. [1970] P. 21; [1969] 3 W.L.R. 902.

Mutuality

Debt by company A. to company B. arising after appointment of receiver of company B.—Debt subject to debenture-holder's equitable charge—Assignment by subsidiary company to company A. of debt from company B.—Whether company B. had right of set-off.
N. W. Robbie & Co. Ltd. v. Witney Warehouse Co. Ltd., Widgery J. and C.A. [1963] 1 W.L.R. 1324.

Special case

Facts not admitted—Court asked to assume truth of allegations pleaded—Legal position depending on precise facts—Whether procedure appropriate.
Sumner v. William Henderson & Sons Ltd., C.A. [1963] 1 W.L.R. 823.

Settlement of action

Actions by infants

Money to be paid into court within limited time—Necessity for punctual payment in—Prompt service of order—Payment in before order served.
Practice Notice (Infants: Settlement of Actions), Central Office [1969] 1 W.L.R. 1284.

Consent order

Party appearing in person but not present in court—Compromise of action—Affidavit evidence of party's agreement to terms—Whether necessary for such person to sign Registrar's book. **Kota Tinggi (Johore) Rubber Co. Ltd. v. Burden (Note),** Ungoed-Thomas J. [1970] 1 W.L.R. 388.

Costs

Action and counterclaim settled out of court—Plaintiff accepting £250 in full settlement—Defendant to pay plaintiff costs of action and counterclaim, including costs of negotiating settlement—Whether costs to be taxed on High Court or county court scale—Whether £250 money "recovered"—Whether claim for specific relief substantial—County Courts Act, 1959, s. 47 (1) (3). **Colton v. McCaughey,** Buckley J. [1970] 1 W.L.R. 63.

Enforcement

Tomlin order—Agreed terms scheduled to order—Stay of proceedings "except for purpose of carrying terms into effect"—Liberty to apply—Defendant's failure to comply with terms—Enforcement of terms sought by motion in original action.
E. F. Phillips & Sons Ltd. v. Clarke, Goff J. [1970] Ch. 322; [1969] 3 W.L.R. 622.

——"Without prejudice" negotiations for settlement—Summons by plaintiff asking for order embodying terms of agreement—Defendants' agreement in correspondence—No consent by defendants to making of order in terms asked for—Whether jurisdiction to make order in Tomlin form.
McCallum v. Country Residences Ltd., C.A. [1965] 1 W.L.R. 657.

"Tomlin" order by Court of Appeal in 1936 compromising passing-off action between rival local newspapers—Court of Appeal's refusal to give sanction to undertaking in respect of agreed terms scheduled to order—Terms including limitations on circulation of the rival papers within area defined by plan—Plan lost—Breach alleged 32 years later—Motion seeking injunction—Failure to prove terms of agreement—Whether agreed terms enforceable by injunction by High Court judge.
Wilson & Whitworth Ltd. v. Express & Independent Newspapers Ltd., Plowman J. [1969] 1 W.L.R. 197.

Infant attaining majority

Amendment of existing direction—"Age of 21" to read "comes of age"—Masters' Practice Direction, No. 31. **Practice Direction (Masters' Practice Directions),** Central Office [1970] 1 W.L.R. 472.

Slip rule

Costs

Court of Appeal—"Appeal allowed with costs in any event"—No reference to costs in order when drawn up—Application for correction—Correction agreed by unsuccessful party—Costs of application—Liability of party in whose favour order made—R.S.C. (Rev. 1965), Ord. 20, r. 11. *In re* **H. (Infants) (No. 2),** C.A. [1970] 1 W.L.R. 69.

——"Appeal allowed with costs" or "with costs in any event"—Effect—Order drawn up inadvertently—R.S.C. (Rev. 1965), Ord. 20, r. 11.
Adam & Harvey Ltd. v. International Maritime Supplies Co. Ltd., C.A. [1967] 1 W.L.R. 445.

Failure to provide for fees of leading counsel.
Somerset v. Ley, Cross J. [1964] 1 W.L.R. 640.

PRACTICE—*continued.*

Slip rule—*continued.*

Stay of execution pending appeal

Stay not included in associate's certificate or judgment as entered—Appeals heard and dismissed—Application to correct judgment to include stay made 18 months after original order—Jurisdiction of judge to refuse to correct—R.S.C. (Rev. 1965), Ord. 20, rr. 8, 11. **Moore v. Buchanan,** C.A. [1967] 1 W.L.R. 1341.

Stay of execution. *See* EXECUTION.

Stay of proceedings. (*See also* CONFLICT OF LAWS.)

Admiralty

Lis alibi pendens—Collision in Belgian waters—Application by plaintiffs in Antwerp Court for appointment of surveyor—Subsequent arrest of defendants' vessel in Belgium—Vessel released on security being given—Motion to set aside writ in rem and stay further proceedings brought by plaintiffs in England—Whether such proceedings vexatious and oppressive. **The Mansoor,** Cairns J. [1968] 2 Lloyd's Rep. 218.

Whether time-charterer can recover damages for pecuniary loss caused by damage to chartered vessel. **The World Harmony,** Hewson J. [1967] P. 341; [1965] 2 W.L.R. 1275.

Discontinuance, whether

Action in personam started in Venice—Arbitration proceedings in London—Action in rem started in Admiralty Court against sister ship—Plaintiffs willing to abandon action in Venice—Security obtainable only in action in rem—Balance of convenience—Motion to set aside writ or vary proceedings in Admiralty action—Discretion of court to allow action to proceed—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41—Administration of Justice Act, 1956, s. 3 (4) (*b*).
The Soya Margareta, Hewson J. [1961] 1 W.L.R. 709.

Fatal accidents claim—Approval of settlement with infant and stay—Whether stay removable in favour of widow.
Cooper v. Williams, C.A. [1963] 2 Q.B. 567; [1963] 2 W.L.R. 913.

Execution

Jurisdiction to order stay—Ground available as defence in action.
T. C. Trustees Ltd. v. J. S. Darwen (Successors) Ltd., [1969] 2 Q.B. 295; [1969] 2 W.L.R. 81.

Foreign proceedings

Contract not to bring proceedings—Injunction sought to restrain proceedings in foreign court. **Settlement Corpn. v. Hochschild,** Ungoed-Thomas J. [1966] Ch. 10; [1965] 3 W.L.R. 1150.

Fraud

Allegation of fraud on third party—Pensioner granted free bus pass by corporation—Condition excluding liability for injury—Pensioner injured—Claim against bus conductor alleging negligence—Application by corporation to stay proceedings—Whether corporation's interest sufficient for relief—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41—County Courts Act, 1959, s. 103.
Gore v. Van Der Lann, C.A. [1967] 2 Q.B. 31; [1967] 2 W.L.R. 358.

Judicial discretion

Concurrent proceedings—Planning permission inquiry—Minister's decision awaited—Proceedings commenced in High Court—Application for stay—Lis alibi pendens—Court's discretion to order stay—Nature of relief—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41. **Slough Estates Ltd. v. Slough Borough Council,** Ungoed-Thomas J. [1968] Ch. 299; [1967] 2 W.L.R. 1511.

Contempt of court—Husband and wife—Judicial separation—Alimony, husband's failure to pay—Wife in contempt of order in earlier proceedings between husband and wife—Whether bar to claim for alimony.
Bettinson v. Bettinson, Plowman J. [1965] Ch. 465; [1965] 2 W.L.R. 448.

Lis alibi pendens

Foreign proceedings—Stop order (saisie conservatoire) against goods in France—Whether English action oppressive—Principles on which stay granted.
Ionian Bank Ltd. v. Couvreur, C.A. [1969] 1 W.L.R. 781.

Submission to foreign jurisdiction

Bill of lading—"Disputes to be decided where carrier carries on business"—Motion by Greek defendants to stay action in England—Principles on which stay granted.
The Eleftheria, Brandon J. [1970] P. 94; [1969] 2 W.L.R. 1073.

Submission of no case

Divorce. See HUSBAND AND WIFE.

Jury, civil action

Appeal—Submission at conclusion of plaintiff's evidence—Defendants not required to elect whether to call evidence or not—Judge's ruling against submission of no case—Defendants calling evidence—Verdict and judgment for plaintiff—Appeal against judge's ruling as erroneous in law—Whether appellate court should disregard defendants' evidence—Duty of appellate court in civil actions to have regard to realities of whole case. **Payne v. Harrison,** C.A. [1961] 2 Q.B. 403; [1961] 3 W.L.R. 309.

PRACTICE—*continued.*

Submission of no case—*continued.*

Justices. *See* HUSBAND AND WIFE.

Maintenance (High Court)

Application by wife for maintenance on ground of husband's wilful neglect to maintain—Affidavits sworn by both parties read to court—Whether husband entitled to submit "no case"—Whether wife entitled to cross-examine husband on his affidavit—Matrimonial Causes Rules, 1957, r. 58 (17). **Lindwall v. Lindwall,** C.A. [1967] 1 W.L.R. 143.

Submission to jurisdiction. *See* CONFLICT OF LAWS (**Sovereign immunity**).

Subpoena ad testificandum

Issue by judge without consent of parties

Committal for civil contempt, motion for. **Yianni v. Yianni,** Cross J. [1966] 1 W.L.R. 120.

Subpoena duces tecum

Revenue

Hearing before Special Commissioners of Income Tax—No statutory power to require production of documents—Whether revenue can obtain Crown Office subpoena—Whether leave to issue required—Whether documents to be specified before issue—Income Tax Act, 1952, s. 59. **Soul v. Inland Revenue Comrs. (Practice Note),** C.A. [1963] 1 W.L.R. 112.

Summary procedure under Order 14

Conditional leave to defend

Condition of whole sum claimed being brought into court—Whether claim based on guarantee a sham. **Ionian Bank Ltd. v. Couvreur,** C.A. [1969] 1 W.L.R. 781.

Relaxation of strict rule of unconditional leave if triable issue—Imposition of conditions—R.S.C., Ord. 14, r. 6. **Fieldrank Ltd. v. E. Stein,** C.A. [1961] 1 W.L.R. 1287.

Whether new wording of order affects principles—R.S.C. (Rev. 1965), Ord. 14, r. 3 (1). **Van Lynn Developments Ltd. v. Pelias Construction Co. Ltd.,** C.A. [1969] 1 Q.B. 607; [1968] 3 W.L.R. 1141.

Return date

Ten clear days after service—Calculation of period—Consequent amendment of forms of summons PF11 and PF12—R.S.C. (Amendment No. 2), 1969, Ord. 14, r. 2. **Practice Direction (Order 14: Return Date),** Central Office [1970] 1 W.L.R. 258.

Sale by husband of matrimonial home

Wife remaining in home—Action by purchaser for possession—Claim for summary judgment—Wife's allegation that sale a sham intended to deprive her of occupation—Insufficient evidence to establish arguable defence—Transaction needing careful scrutiny in interests of justice—Facts within control of plaintiff—Whether wife should be given leave to defend—Whether "ought for some other reason to be a trial"—R.S.C. (Rev. 1965), Ord. 14, r. 3 (1). **Miles v. Bull,** Megarry J. [1969] 1 Q.B. 258; [1968] 3 W.L.R. 1090.

Summons

Failure to serve within 12 months

Defendants' agreement for postponement—Application for extension of time—Master's discretion to grant—Defendants entering unconditional appearance—Waiver—Inheritance (Family Provision) Act, 1938, s. 2 (1)—R.S.C., Ord. 2, r. 1 (1); Ord. 6, r. 8. *In re* **Chittenden, decd.,** Ungoed-Thomas J. [1970] 1 W.L.R. 1618.

Summons for directions

Expert witnesses

Order by master or judge limiting number of expert witnesses—Not conclusive of question whether calling that number reasonable—Costs—Discretion of taxing master—R.S.C., Ord. 38, r. 4. **Atwell v. Ministry of Public Building and Works,** Fisher J. [1969] 1 W.L.R. 1074.

Jurisdiction

Pleadings not closed—No defence served and no discovery—Whether inherent jurisdiction to order directions as to trial—R.S.C. (Rev. 1965), Ord. 19, r. 7; Ord. 25, r. 1 (1). **Austin v. Wildig (Practice Note),** Plowman J. [1969] 1 W.L.R. 67.

Third party proceedings

Action for specific performance

Agreement for lease between plaintiff and defendant—Defendant claiming specific performance of agreement with third party for sub-lease of part of same premises—Whether "connected with or relating to" the relief claimed by the plaintiffs—Whether "substantially the same as" such relief—No overlap of issues between action and third party proceedings—Whether suitable case for third party proceedings—Discretion of court to set aside proceedings—R.S.C. (Rev. 1965), Ord. 16, r. 1 (1) (*b*). **Chatsworth Investments Ltd. v. Amoco (U.K.) Ltd.,** Cross J. and C.A. [1968] Ch. 665; [1968] 3 W.L.R. 343.

PRACTICE—*continued.*

Third party proceedings—*continued.*

Action on guaranteed bond

Third party notices—When third parties can appeal directly against plaintiff.
Asphalt & Public Works Ltd. v. Indemnity Guarantee Trust Ltd., C.A. [1969] 1 Q.B. 465; [1968] 3 W.L.R. 968.

Title of proceedings

Action started by infant

Suing by next friend—Infant of full age at date of trial—Proceedings adopted by infant—Correct title of proceedings. **Carberry v. Davies,** C.A. [1968] 1 W.L.R. 1103.

Trial

Adjournment of hearing

Judge prevented by illness from continuing hearing — Re-hearing de novo — Whether evidence already given admissible without recalling witnesses.
The Forest Lake, Karminski J. [1968] P. 270; [1967] 2 W.L.R. 11.

Cross-examination

Cross-examination as to driver's sobriety—No plea of driver's drunkenness—Cross-examination not permissible. **Bills v. Roe,** C.A. [1968] 1 W.L.R. 925.

Date

Fixed dates—Undefended matrimonial causes in London—Nullity suits—Special list if medical inspectors appointed.
Practice Direction (Fixed Dates for Undefended Divorces), P.D.A. [1963] 1 W.L.R. 1390.

Delay

Substantial change in circumstances between reference and trial—Insufficient excuse for delay. *In re* **Watches and Clocks Reference,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 115.

Hearing in private

Restrictions upheld on reference of agreement—Application by registrar to court to reconsider previous decision—Alleged material change in relevant circumstances—Evidence of confidential nature likely to prejudice respondents if made public—Whether final hearing should be in private—Whether application to reconsider decision a "final hearing"—Restrictive Trade Practices Act, 1956, Sch., para. 3—Restrictive Practices Court Rules, 1957, r. 60. *In re* **National Sulphuric Acid Association's Agreement (No. 2),** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 210.

Judge, conduct of. See JUDGE.

Litigant in person

Legally qualified friend of litigant present to prompt—Withdrawal from court as result of judge's intervention—Whether irregularity in proceedings—Whether prejudice to litigant—Whether new trial to be ordered.
McKenzie v. McKenzie, C.A. [1970] 3 W.L.R. 472.

Mechanical recording of evidence

Bahamas—Act of 1897. **Rolle v. The Queen,** P.C. [1965] 1 W.L.R. 1341.

Place of trial

Greater London—Actions formerly set down for hearing in Middlesex—Now to be set down for hearing in "London"—R.S.C., Ord. 36, r. 1.
Practice Direction (Greater London), Q.B.D. [1965] 1 W.L.R. 541.

————Probate actions, divorce suits and issues arising therefrom to be heard at Royal Courts of Justice—Now to be set down for hearing in London.
Practice Direction (Greater London: Divorce), P.D.A. [1965] 1 W.L.R. 559.

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Right to last word

No witnesses called by defence—Documents put to plaintiff's witnesses in cross-examination—Whether right to last word forfeited.
Weller v. O'Brien, Barry J. [1962] 1 W.L.R. 885.

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Delay—Queen's Bench Division—Leave to set down out of time—Delay not exceeding one year—Written consent of other side—Leave given by Head Clerk of Crown Office—R.S.C., Ord. 36, r. 4.
Practice Direction (Setting Actions Down for Trial), Q.B.D. [1964] 1 W.L.R. 1272.

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View of scene of accident by judge alone—Whether irregular—Whether evidence—R.S.C., Ord. 35, r. 8 (1). **Salsbury v. Woodland,** C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

PRACTICE—*continued.*

Trial—*continued.*

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Presence in court during rest of evidence—Discretion of judge.
Moore v. Lambeth County Court Registrar, C.A. [1969] 1 W.L.R. 141.

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" Any person "

Proceedings instituted by person acting in a representative capacity—Supreme Court of Judicature (Consolidation) Act, 1925, s. 51 (1) (as amended).
In re **Langton,** Divl.Ct. and C.A. [1966] 1 W.L.R. 1575.

Order to restrain

Income tax—Attempt to litigate question of fact already decided by Income Tax Commissioners—Supreme Court of Judicature (Consolidation) Act, 1925, s. 51—Supreme Court of Judicature (Amendment) Act, 1959, s. 1.
In re **Soul,** Divl.Ct. (1964) 42 T.C. 164.

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Time for service unexpired—Application to extend validity—Principles of extension—Whether principles affected by making application for extension while time for service unexpired—Whether need for showing good cause for renewal—R.S.C. (Rev. 1965), Ord. 6, r. 8 (2). **Stevens v. Services Window and General Cleaning Co. Ltd.,** Chapman J. [1967] 1 Q.B. 359; [1967] 2 W.L.R. 939.

Failure to serve within 12 months

Application to extend validity—Delay in issuing and serving writ—Delay in obtaining legal aid—Limited legal aid certificate—Whether court should renew writ—Effect of delay on limitation period—Discretion of court—R.S.C., Ord. 6, r. 8 (2), replacing R.S.C., Ord. 8, r. 1 (7)—Legal Aid and Advice Act, 1949, s. 1 (7) (*b*).
Baker v. Bowketts Cakes Ltd., C.A. [1966] 1 W.L.R. 861.

————————Extension of validity depriving defendant of defence of limitation—Discretion of court—Principles of exercise—New rules—Whether relevant principles changed—R.S.C., Ord. 6, r. 8 (2), replacing R.S.C., Ord. 8, r. 1.
Heaven v. Road and Rail Wagons Ltd., Megaw J. [1965] 2 Q.B. 355; [1965] 2 W.L.R. 1249.

Entry of appearance by defendant—Whether effective—Notice of counterclaim—Validity.
The Gniezno, Brandon J. [1968] P. 418; [1967] 3 W.L.R. 705.

Good reason for non-service—Renewal—R.S.C., Ord. 8, r. 1.
The Prins Bernhard, Hewson J. [1964] P. 117; [1963] 3 W.L.R. 1043.

Non-service due to dilatoriness—Whether court should renew writ—Exercise of discretion.
The World Harmony, Hewson J. [1967] P. 341; [1965] 2 W.L.R. 1275.

Service on first defendant within 12 months—Solicitor's reasonable belief that valid for service on second defendant after 12 months—Writ so served on second defendant—Discretion to extend validity of writ—Whether discretion properly exercised—R.S.C., Ord. 6, r. 8. **Jones v. Jones,** C.A. [1970] 2 Q.B. 576; [1970] 3 W.L.R. 20.

Indorsement. (*See also* FATAL ACCIDENTS ACTS.)

Defective—Insufficient statement of cause of action—Writ issued just before expiry of statutory limitation period—Whether a nullity—Defect in writ not cured within statutory period of limitation—Whether defect curable by delivery of statement of claim outside limitation period—Discretion in court to render proceedings void or to cure curable defects—Exercise in favour of saving rather than destroying proceedings—Application to set aside writ not made within reasonable time—R.S.C., Ord. 70, rr. 1, 2—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2.
Pontin v. Wood, Edmund Davies J. [1962] 1 Q.B. 594; [1961] 3 W.L.R. 1118.
C.A. [1962] 1 Q.B. 594; [1962] 2 W.L.R. 258.

Irregularity in title

Omission of words " Queen's Bench " before " Division "—Whether writ rendered void through failure to assign to a Division of the High Court at time of issue—Whether irregularity curable by amendment—Supreme Court of Judicature (Consolidation) Act, 1925, s. 58—R.S.C., Ord. 2, r. 1; Ord. 20, rr. 1 (1), 5.
Brady v. Barrow Steel Works Ltd., Payne J. [1965] 2 Q.B. 182; [1965] 2 W.L.R. 244.

PRACTICE—*continued.*

Writ—*continued.*

Misdescription

"Genuine mistake"—Associated companies with similar names—Writ served on wrong company within limitation period—Application for leave to amend by substituting real defendants after expiration of limitation—Intended defendant not misled by mistake—Whether new Rule of Supreme Court conferring discretion to allow amendment affecting statutory defence—Whether ultra vires rule-making authority—Grant of leave to amend proceedings begun within limitation period after expiration of limitation period matter of practice and procedure—New rule intra vires—Discretion granting leave to amend correctly exercised where genuine mistake and defendants not misled—R.S.C. (Rev. 1965), Ord. 20, r. 5 (2) (3)—Supreme Court of Judicature (Consolidation) Act, 1925, s. 99 (1) (*a*). **Mitchell v. Harris Engineering Co. Ltd.**, C.A. [1967] 2 Q.B. 703; [1967] 3 W.L.R. 447.

Service

Amendment of writ to add defendant—Whether relating back to date of original issue—R.S.C. (Rev. 1965), Ord. 15, r. 8.
Braniff v. Holland & Hannen and Cubitts (Southern) Ltd., C.A. [1969] 1 W.L.R. 1533.

Computation of time—Service within 12 months "beginning with" the date of issue—Whether date of issue included or excluded—Whether note on prescribed form of writ consistent with rule—Whether note or rule should prevail—Whether "date" to be construed as meaning "time"—R.S.C. (Rev. 1962), Ord. 6, r. 1, Appendix A, Form 1, r. 8 (1). **Trow v. Ind Coope (West Midlands) Ltd.**,
Blain J. [1967] 2 Q.B. 899; [1966] 3 W.L.R. 1300.
C.A. [1967] 2 Q.B. 899; [1967] 3 W.L.R. 633.

——————Writ amended to add defendant—Whether amendment takes effect when made or when served—"Person shall not become a party until . . ."—R.S.C. (Rev. 1962), Ord. 15, rr. 6, 8. **Seabridge v. H. Cox & Sons (Plant Hire) Ltd.**, C.A. [1968] 2 Q.B. 46; [1968] 2 W.L.R. 629.

Service in England

Defendant visiting country—Defendant neither resident nor submitting to the jurisdiction—Whether court has jurisdiction to try action.
Colt Industries Inc. v. Sarlie, Lyell J. and C.A. [1966] 1 W.L.R. 440.

Service of defective copy

Writ issued within limitation period—Defective copy of writ served on defendants on date of expiry—Accompanying notice of change of solicitors curing defects in copy writ served—Whether service of writ should be set aside as void for non-compliance with Rules of the Supreme Court—Whether service of writ "proceedings" within R.S.C., Ord. 2, r. 1; Ord. 5, r. 3; Ord. 70, rr. 1, 2—Law Reform (Limitation of Actions, etc.) Act, 1954.
Smalley v. Robey & Co. Ltd., C.A. [1962] 1 Q.B. 577; [1962] 2 W.L.R. 245.

Service on company

Writ and notice of motion sent through post—Whether a valid service under new rules—Whether provision "not otherwise made by any enactment"—R.S.C., Ord. 67, r. 3.
Addis Ltd. v. Berkeley Supplies Ltd., Wilberforce J. [1964] 1 W.L.R. 943.

Service out of jurisdiction

Alleged breaches of contract—Alleged tort—C.i.f. contract—Whether implied warranty that goods of contract quality and description on delivery within jurisdiction—Bills of lading — Alleged fraudulent misrepresentation — Tortious act committed outside jurisdiction—Consequences of tort within jurisdiction—R.S.C., Ord. 11, r. 1 (*g*) (*h*).
Cordova Land Co. Ltd. v. Victor Brothers Inc., Winn J. [1966] 1 W.L.R. 793.

Contract—Contract made within jurisdiction—Insurance policy with foreign jurisdiction clause—Proceedings on policy in Belgium—Writ claiming policy void issued in England—Whether leave should be granted to serve writ outside jurisdiction—R.S.C. (Rev. 1965), Ord. 11, r. 1 (*f*).
Mackender v. Feldia A.G., C.A. [1967] 2 Q.B. 590; [1967] 2 W.L.R. 119.

Ghana—Whether writ or notice of writ to be served—Whether Ghanaian company in "British dominions"—Preservation of existing provisions of United Kingdom statutes on Ghana becoming a republic—Ghana (Consequential Provision) Act, 1960, s. 1 (1)—R.S.C., Ord. 11, r. 6.
Gohoho v. Guinea Press Ltd., C.A. [1963] 1 Q.B. 948; [1962] 3 W.L.R. 1471.

Towage contract—"Any dispute arising must be treated before the London Court of Justice"—Proceedings commenced in U.S. court—Whether English court was a convenient forum. **Unterweser Reederei G.m.b.H. v. Zapata Off-Shore Co.**, C.A. [1968] 2 Lloyd's Rep. 158.

Whether leave should have been granted by registrar—Discretion of court—R.S.C., Ord. 11, r. 1. **The Italian**, Brandon J. [1969] 1 Lloyd's Rep. 11.

PRACTICE—*continued.*

Writ—*continued.*

Time, extension of

Personal injury action—Defendants out of jurisdiction for three years—Whether time should have been extended.
Excelby v. Philpott and Philpott, C.A. [1969] 1 Lloyd's Rep. 234.

Writ of ne exeat regno
Felton v. Callis, Megarry J. [1969] 1 Q.B. 200; [1968] 3 W.L.R. 952.

PREROGATIVE. *See* CROWN.

PRESCRIPTION. *See* EASEMENT.

PRESS

Right to publish

Committal proceedings

Reports—Restrictions—Application by one of several defendants to remove restrictions on reports—Order limiting removal of restrictions—Newspaper risking penalties if publicity given to all proceedings—Whether proprietors entitled to have unlimited order—Whether standing to apply for orders of certiorari and mandamus—Criminal Justice Act, 1967, s. 3 (1) (2) (5). **Reg. v. Russell,** *Ex parte* **Beaverbrook Newspapers Ltd.,** [1969] 1 Q.B. 342; [1968] 3 W.L.R. 999.

Rights of subject

Confidential information

Motion by author of confidential report to restrain publication—Author under duty of confidence to foreign government—No reciprocal duty on and no complaint by foreign government—Remedy to prevent publication not available to party owing duty of confidence. **Fraser v. Evans,** C.A. [1969] 1 Q.B. 349; [1968] 3 W.L.R. 1172.

Right to inform press.
Initial Services Ltd. v. Putterill, C.A. [1968] 1 Q.B. 396; [1967] 3 W.L.R. 1032.

PRESUMPTION. (*See also* BURDEN OF PROOF.)

Advancement. *See* ADVANCEMENT.

Death

Trust

Beneficiary last heard of in 1920s—Whether trustees entitled to distribute fund on basis beneficiary now dead—Benjamin order.
In re **Newson-Smith's Settlement,** Pennycuick J. [1962] 1 W.L.R. 1478.

Intention

Natural and probable consequence of acts

Attempt to murder. **Reg. v. Grimwood,** C.C.A. [1962] 2 Q.B. 621; [1962] 3 W.L.R. 747.

Conversion—Use of motor-car to smuggle watches—Forfeiture of car by Customs and Excise. **Moorgate Mercantile Co. Ltd. v. Finch and Read,** C.A. [1962] 1 Q.B. 701; [1962] 3 W.L.R. 110.

Homicide. **Bratty v. Attorney-General for Northern Ireland,** H.L.(N.I.) [1963] A.C. 386; [1961] 3 W.L.R. 965.

Homicide by Sikh in sexual embrace.
Reg. v. Sharmpal Singh, P.C. [1962] A.C. 188; [1962] 2 W.L.R. 238.

Law, of

Not to be extended

Costs conclusive of damages—Principle not to be extended to criminal law.
Berry v. British Transport Commission, Diplock J. [1961] 1 Q.B. 149. C.A. [1962] 1 Q.B. 306; [1961] 3 W.L.R. 450.

Legality

Breath test device

Whether Secretary of State's approval presumed for device used.
Scott v. Baker, D.C. [1969] 1 Q.B. 659; [1968] 3 W.L.R. 796.

Marriage. (*See also* HUSBAND AND WIFE.)

Cohabitation—Reputation in neighbourhood—No evidence of marriage ceremony—Standard of proof required. *In re* **Taylor, decd.,** C.A. [1961] 1 W.L.R. 9.

Doubtful earlier marriage not ended by death or divorce at date of existing marriage—Whether displacing presumption of legality of existing marriage.
Taylor v. Taylor, Cairns J. [1967] P. 25; [1965] 2 W.L.R. 779.

PRESUMPTION—*continued.*
Legality—*continued.*
Marriage—continued.
Strong presumption rebuttable only by proof beyond reasonable doubt—Applicability to foreign marriage.
Mahadervan v. Mahadervan, Divl.Ct. [1964] P. 233; [1963] 2 W.L.R. 271.

Rules of unincorporated association
National political party—Affiliated local party—Whether national party's rules adopted formally or by usage—Members joining no knowledge of national rules—Whether binding on members.
John v. Rees, Megarry J. [1970] Ch. 345; [1969] 2 W.L.R. 1294.

Will
Attestation—Completed draft with proper attestation clause—Omnia praesumuntur rite esse acta. *In re* **Webb, decd.,** Faulks J. [1964] 1 W.L.R. 509.

————Signatures at top and bottom of will—Top signature only attested—No due execution. **In the Estate of Bercovitz, decd.,** Phillimore J. [1961] 1 W.L.R. 892.
C.A. [1962] 1 W.L.R. 321.

Legitimacy. *See* Legitimacy.

Ownership
Land
Whether occupation by owner presumed.
Solihull Corpn. v. Gas Council, C.A. [1961] 1 W.L.R. 619.

Property
House bought in wife's name and conveyed to her—Intention of husband to safeguard house against creditors if new business venture failed—Subsequent breakdown of marriage—Registrar's finding that husband honest—Whether rebuttal of presumption of advancement. **Tinker v. Tinker,** C.A. [1970] P. 136; [1970] 2 W.L.R. 331.

Profit à prendre or easement
Presumed prescriptive ancient grant
Coast of Durham—Practice of taking and carrying away sea-washed coal—Evidence for whole of living memory—No evidence of assedtion of claim as of right—Whether evidence justifying claim as of right from time immemorial or by toleration of Crown—Whether local practice capable of supporting presumption of right extending to all inhabitants of County Palatine—Whether claim based on custom maintainable in respect of sea-washed coal — Whether sea-washed coal profit à prendre incapable of forming subject-matter of custom.
Alfred F. Beckett Ltd. v. Lyons, C.A. [1967] Ch. 449; [1967] 2 W.L.R. 421.

Proper law of contract. *See* Conflict of Laws.

Undue influence. *See* Undue Influence.

PREVENTIVE DETENTION. *See* Crime (**Sentence**).

PRINCIPAL AND AGENT. *See* Agency.

PRIVATE ACT. *See* Statute.

PRIVATE INTERNATIONAL LAW. *See* Conflict of Laws.

PRIVATE STREET WORKS. *See* Highway.

PRIVILEGE. *See* Crown; Libel and Slander; Parliament; Practice (**Discovery**).

PRIVY COUNCIL. (*See also* Australia; Judicial Precedent.)
Appeal to
Procedural enactment
Desirability of complying with requirements before appealing to board.
Woolworths Ltd. v. Stirling Henry Ltd., P.C. [1969] 1 A.C. 113; [1968] 3 W.L.R. 364.

Concurrent findings of fact. *See* House of Lords.

Costs
Criminal cases
No absolute rule of practice that successful appellant not to receive costs of appeal.
Lim Chin Aik v. The Queen (No. 2), P.C. [1963] A.C. 498; [1963] 2 W.L.R. 1031.

Criminal matter
New trial
Which court should order one—Miscarriage of justice—Ceylon.
Hemapala v. The Queen, P.C. [1963] A.C. 859; [1963] 3 W.L.R. 439.

PRIVY COUNCIL—*continued.*

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Statement in judgment that fact not in dispute

Whether challengeable. **Coleman v. Shang,** P.C. [1961] A.C. 481; [1961] 2 W.L.R. 562.

Jurisdiction

Appeal from Ceylon

Criminal matter—Not abrogated on attainment of independent status.
Ibralebbe v. The Queen, P.C. [1964] A.C. 900; [1964] 2 W.L.R. 76.

Appeal from New South Wales

State procedural enactment—Compliance with procedural enactment—requirements not condition precedent to exercise of unfettered right of appeal to board—Jurisdiction not restricted.
Woolworths Ltd. v. Stirling Henry Ltd., P.C. [1969] 1 A.C. 113; [1968] 3 W.L.R. 364.

Appealable value

Matter in dispute of value of "£500 sterling" or upwards—New South Wales—Difference in currency values—Whether English or Australian pounds—Whether appeal lay as of right—Order-in-Council of April 2, 1909, r. 2 (*a*).
Skelton v. Jones, P.C. [1962] 1 W.L.R. 840.

Argument not raised below

Discretion of board to admit—Discretion exercised only in very exceptional circumstances—Prima facie case for new ground for contention not established.
Kabaka's Government v. Attorney-General of Uganda, P.C. [1966] A.C. 1; [1965] 3 W.L.R. 512.

New point of law—Not adverted to in appellant's printed case—Factual foundation not in evidence—Not allowed to be argued.
Pillai v. Comptroller of Income Tax, P.C. [1970] A.C. 1125; [1970] 2 W.L.R. 1062.

Australia. See AUSTRALIA.

Criminal matter

Principles applicable—Refusal to interfere with excessive sentence.
Hardtmann v. The Queen, P.C. [1963] A.C. 746; [1963] 2 W.L.R. 1023.

Sentence—Infringement of essential principles of justice—Interference with sentence passed on basis of erroneous belief. **Dharmasena v. Inspector of Police, Kegalla,** P.C. [1967] 2 A.C. 330; [1967] 3 W.L.R. 505.

Discretion, review of exercise by court below

Admission of fresh evidence—Jurisdiction to determine admissibility—Whether evidence could reasonably have been obtained at trial—Whether discretion of judge open to review. **Acosta v. Longsworth,** P.C. [1965] 1 W.L.R. 107.

Non-compliance with rule of court—Malaya—Application for extension of time refused by Court of Appeal—Whether Privy Council will interfere with court's discretion—R.S.C. of Malaya, 1957, Ord. 58, r. 22 (as amended by Supreme Court (Amendment) Rules, 1960, r. 5 (3)). **Ratnam v. Cumarasamy,** P.C. [1965] 1 W.L.R. 8.

When substantial injustice has been effected.
Short v. Attorney-General of Sierra Leone, P.C. [1963] 1 W.L.R. 1427.

Election petition

Election to local government authority—No jurisdiction to entertain appeal—British Honduras. **Arzu v. Arthurs,** P.C. [1965] 1 W.L.R. 675.

Interlocutory order—Petition struck out by election judge for non-compliance with rules of service—Leave to appeal on basis that order interlocutory—Leave to appeal to Privy Council given by Federal Court of Appeal—Jurisdiction to hear appeal—Undesirability of entertaining interlocutory appeals in election petitions unless question raised of exceptional public importance—Interpretation of rules—Malaysia Election Offences Ordinance (No. 9 of 1954), ss. 33, 38, Sch. 2, rr. 10, 15—Courts of Judicature Act, 1964, ss. 67, 74.
Devan Nair v. Young Kuan Teik, P.C. [1967] 2 A.C. 31; [1967] 2 W.L.R. 846.

Fact, question of

Questions of accounts only—No principle involved—Matter unsuited to Board's jurisdiction.
Vander Poorten v. Vander Poorten, P.C. [1963] 1 W.L.R. 945.

Husband and wife

Presentation of a different case to that which accused had to meet at trial and on appeal—Whether probable amount of maintenance relevant—Hong Kong.
Hui v. Cheung, P.C. [1969] 1 A.C. 131; [1968] 3 W.L.R. 941.

PRIVY COUNCIL—*continued.*

Jurisdiction—*continued.*

Petition for special leave to appeal

Jurisdiction issue to be determined before pronouncing on petition. **Dennis Hotels Proprietary Ltd. v. State of Victoria,** P.C. [1962] A.C. 25; [1961] 3 W.L.R. 268.

Point not raised below

Presentation of a different case to that which accused had to meet at trial and on appeal—Argument not to be advanced before Privy Council. **Liew Sai Wah v. Public Prosecutor,** P.C. [1969] 1 A.C. 295; [1968] 3 W.L.R. 385.

Point of law not taken in court below

Entertained only in very exceptional circumstances—Desirability of benefit of opinions of judges below. **United Marketing Co. v. Kara,** P.C. [1963] 1 W.L.R. 523.

Entertained only in exceptional circumstances in absence of assistance from courts below. **Dullewe v. Dullewe,** P.C. [1969] 2 A.C. 313; [1969] 2 W.L.R. 811.

Precise point raised and considered in court below in another case—Whether can be raised before Privy Council. **Runyowa v. The Queen,** P.C. [1967] 1 A.C. 26; [1966] 2 W.L.R. 877.

Prerogative

Grant of leave to appeal with respondent unheard and question of jurisdiction to hear appeal considered—Whether leave to appeal granted under power of prerogative—Whether prerogative power limited—Whether granting of leave endowing jurisdiction—Whether plea to jurisdiction available on appeal—Ruling sought on competence of New South Wales court to award punitive damages for libel under Australian law in case for rehearing—Whether within scope of prerogative—Judicial Committee Act, 1833, s. 3. **Australian Consolidated Press Ltd. v. Uren,** P.C. [1969] 1 A.C. 590; [1967] 3 W.L.R. 1338.

Professional discipline

Appeal from Disciplinary Committee of General Medical Council—Infamous conduct in professional respect—Jurisdiction to consider whether finding justified by facts if proved—Medical Act, 1956, s. 36. **Bhattacharya v. General Medical Council,** P.C. [1967] 2 A.C. 259; [1967] 3 W.L.R. 498.

Appeal from Disciplinary Committee of Royal College of Veterinary Surgeons—Appeal by way of rehearing — Function of legal assessor — Intervention by appellate court with decision of council only where wrong decision of fact reached. **Lawther v. Royal College of Veterinary Surgeons,** P.C. [1968] 1 W.L.R. 1441.

Sentence—Practice—Removal from register by council for professional misconduct—Open to council to re-admit—Power of Privy Council to review sentence—Principles applicable. **Lawther v. Royal College of Veterinary Surgeons,** P.C. [1968] 1 W.L.R. 1441.

————Review of sentence for misconduct—Principles applicable—Infamous conduct by medical practitioner—Erasure from register. **McCoan v. General Medical Council,** P.C. [1964] 1 W.L.R. 1107.

Question of principle

Land valuation—Appeal—Malaysia. **Aik Hoe & Co. Ltd. v. Superintendent of Lands and Surveys, First Division,** P.C. [1969] 1 A.C. 1; [1968] 3 W.L.R. 52.

Leave to appeal

Special leave

In forma pauperis—Guyana—Special leave in forma pauperis in special circumstances and in an exceptional case—Guyana (Procedure in Appeals to Privy Council) Order, 1966. **Butler v. Plantation Versailles and Schoon Ord Estate Ltd. (Note),** P.C. [1970] 1 W.L.R. 965.

——————Not to be granted automatically on certificate of counsel that reasonable ground of appeal. **Nelson v. East African Newspapers (Nation Series) Ltd. (Practice Note),** P.C. [1963] 1 W.L.R. 696.

Malaysia—Federal Court—Final judgment—Value of matter in dispute in excess of $5,000—Right to appeal to Privy Council—Where appeal lies as of right—" Leave "—Courts of Judicature Act, 1964 [Malaysia], s. 74. **Lopes v. Valliappa Chettiar,** P.C. [1968] A.C. 887; [1968] 3 W.L.R. 92.

Respondent not present at hearing of petition for special leave—Consideration given to question of jurisdiction to hear appeal—Whether decision to advise grant of leave to appeal final—Ruling on principle—Extent—Whether question of extent of ruling to be given becoming discretionary—Speculative opinion on hypothetical question—Decision of High Court of Australia on law applicable in actual case for rehearing—Whether question hypothetical. **Australian Consolidated Press Ltd. v. Uren,** P.C. [1969] 1 A.C. 590; [1967] 3 W.L.R. 1338.

PRIVY COUNCIL—*continued.*
Leave to appeal—*continued.*
Special leave—continued.
Southern Rhodesia—Emergency regulations made after unilateral "Declaration of Independence"—Determination by High Court by implication that detention order made thereunder valid—Detention without trial—"Declaration of Rights" in Constitution not specifically relied upon by appellant—Right of appeal to Privy Council by special leave only—Constitution of Southern Rhodesia, 1961, ss. 58 (1), 69 (1), 71 (5), 72 (2), 105, 107, 111—Emergency Powers Act, 1960 (No. 48 of 1960), ss. 3 (2), 4.
Madzimbamuto v. Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

Practice
Amicus curiae
Crown as amicus curiae before Supreme Court heard as respondent to appeal before Judicial Committee.
Ratnagopal v. Attorney-General, P.C. [1970] A.C. 974; [1969] 3 W.L.R. 1056.

Special leave to appeal
Five consolidated appeals—One case only on each side.
Blue Metal Industries Ltd. v. Dilley, P.C. [1970] A.C. 827; [1969] 3 W.L.R. 357.

Sentence
Practice
Case remitted to Supreme Court to consider punishment required in interests of justice.
Attorney-General of Ceylon v. De Livera, P.C. [1963] A.C. 103; [1962] 3 W.L.R. 1413.

PROBATE. (*See also* ADMINISTRATION OF ESTATES; EXECUTOR AND ADMINISTRATOR; WILL.)
Administration, grant of
Commorientes
Uncertainty as to survivorship—Evidence—Need to submit at earliest opportunity—Depositions before coroner's court.
Practice Direction (Commorientes Grants), P.D.A. [1964] 1 W.L.R. 1027.

Intermeddling executor
Refusal to take grant by—No appearance entered to citation to take out grant—Executor likely to cause difficulty and expense if enforcement procedure invoked—Power of court to pass over—Whether "special circumstances"—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162 (1).
In the Estate of Biggs, decd., Rees J. [1966] P. 118; [1966] 2 W.L.R. 536.

Legitimation
Right to grant dependent on—Evidence in support of contention of legitimation—Practice in case of doubt—Form of oath.
Practice Direction (Legitimation: Application for a Grant), P.D.A. [1965] 1 W.L.R. 955.

President, estate vested in
Service of notice to quit on.
Practice Direction (Service of Notice to Quit), P.D.A. [1965] 1 W.L.R. 1237.

Solicitor in practice dying
Application by nominee of Law Society—Practice.
Practice Direction (Deceased Solicitor: Representation by Nominee of Law Society), P.D.A. [1965] 1 W.L.R. 552.

Solicitors' office reference
Entry on grant.
Practice Direction (Probate: Solicitors' Office Reference), P.D.A. [1970] 1 W.L.R. 1251.

Uncertainty of time of death
Death occurring between midnight and early hours of following morning—Decree nisi of divorce in existence at time of death—Notice of application by petitioner for decree to be made absolute posted to district registry before death of respondent—Received by registry on day of death—Whether a judicial act—Decree absolute—Whether effective—Whether marriage subsisting at time of death of respondent—Onus of proof.
In re **Seaford, decd.,** Cairns J. [1967] P. 325; [1967] 3 W.L.R. 425.
C.A. [1968] P. 53; [1968] 2 W.L.R. 155.

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Practice Direction (Probate Citations: Non-Contentious), P.D.A. [1969] 1 W.L.R. 1283.

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Costs—*continued.*
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Principal Probate Registry and District Probate Registries—International size paper No. 4 acceptable—R.S.C. (Rev. 1965), Ord. 66, r. 1.
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Probate action relating to estate of person dying domiciled in Germany—Action raising issues of formal validity, testamentary capacity, knowledge and approval of testator, undue influence—Whether issues to be decided by English or German law.
In the Estate of Fuld, decd. (No. 3), Scarman J. [1968] P. 675; [1966] 2 W.L.R. 717.

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Practice Direction (Probate: Recognition of Foreign Decree), P.D.A. [1968] 1 W.L.R. 236.

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Mental incapacity—Application for grant for use and benefit of incapable person—Evidence of mental incapacity—Non-Contentious Probate Rules, 1954, r. 33.
Practice Direction (Representation: Mental Incapacity), P.D.A. [1962] 1 W.L.R. 738.

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Rhodesian grants made after September 13, 1968—No resealing in England.
Practice Direction (Rhodesian Grants: Resealing), P.D.A. [1970] 1 W.L.R. 687.

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In re **Barraclough, decd.,** Payne J. [1967] P. 1; [1965] 3 W.L.R. 1023.

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Fresh summons not to be issued—R.S.C., Ord. 30, r. 7 (3).
Practice Direction (Probate: Summons for Directions), P.D.A. [1963] 1 W.L.R. 657.

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Writ frivolous and vexatious—Whether right to refuse issue of writ—R.S.C., Ord. 76, r. 2.
In the Estate of Langton, decd., C.A. [1964] P. 163; [1964] 2 W.L.R. 585.

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PROFIT A PRENDRE

Common

Rights of

Depasturing sheep—Auction lots sold "together with" sheep rights—Sales recorded in common form memorandum of agreement—Common sold shortly after "subject to [sheep] rights"—Subsequent conveyances of auction lots—"Together with such right of common . . . as appertains or belongs" or "together with right of common . . . appertaining or belonging"—Only equitable right subsisting at date of conveyance—Whether right conveyed.
White v. Taylor (No. 2), Buckley J. [1969] 1 Ch. 160; [1968] 2 W.L.R. 1402.

Right to take turf

Whether profit in gross

Whether equitable profit à prendre.
Lowe v. J. W. Ashmore Ltd., Megarry J. [1970] 3 W.L.R. 998.

PROFITS TAX. *See* Revenue.

PROHIBITION. *See* Crown Practice.

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PROTECTORATE. *See* Colony.

PUBLIC AUTHORITY

Contract by. *See* Contract.

Limitation of action. *See* Limitation of Action.

PUBLIC HEALTH. (*See also* Housing).

Appeal to quarter sessions. *See* Justices.

Child welfare. *See* Children and Young Persons.

Drainage. *See* Land Drainage.

Food and drugs. *See* Food and Drugs.

Nuisance. (*See also* **Sewage**; Nuisance.)

Abatement notice

Service—Misnomer—Notice addressed to husband and wife trading as limited company—Address of husband and wife address of registered office of company—Husband secretary and director and wife director of company—Whether valid service on company—Whether valid notice to company requiring company to comply with specific requirements—Public Health Act, 1936, ss. 93, 285 (*d*).
Malkins Bank Estates Ltd. v. Kirkham, Divl.Ct. (1966) 64 L.G.R. 361.

———"Owner"—House let at rack-rent—Freeholder resident abroad—Tenant's payment of money constituting rent to freeholder's bank—Abatement notice served on bank—Whether bank "owner"—Public Health Act, 1936, ss. 93, 94, 343.
Midland Bank Ltd. v. Conway Corpn., Divl.Ct. [1965] 1 W.L.R. 1165.

Action by local authority for abatement

Capacity to sue—Being "of opinion that summary proceedings" inadequate—Resolution accordingly three days after issue of writ by solicitors—Ratification—Public Health Act, 1936, s. 100. **Warwick Rural District Council v. Miller-Mead**, Widgery J.
[1961] Ch. 590; [1961] 3 W.L.R. 737.
C.A. [1962] Ch. 441; [1962] 2 W.L.R. 284.

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Refuse removal

Dustbins

Means of access—Passageway between terraced houses to several gardens—Closure of passageway by owner of land—Closure or obstruction of access an offence—Whether offence committed—Public Health Act, 1936, s. 55 (2).
Coupe v. Barrett, D.C. [1969] 1 W.L.R. 1333.

Sewage. (*See also* LAND DRAINAGE; NUISANCE.)

Cost of connection to public sewer

Drainage in combination—Public sewer more than 100 feet away—Requirement to connect by local authority's engineer and surveyor—Statement that plans in accordance with his "requirements"—No resolution by authority—Whether a requirement by authority—Whether undertaking to pay—Whether authority liable to bear part of cost—Public Health Act, 1936, ss. 37, 38.
Princes Investments Ltd. v. Frimley and Camberley Urban District Council, Divl.Ct. [1962] 1 Q.B. 681; [1962] 2 W.L.R. 940.

Nuisance

Sewer built across and in bed of river—Properly laid and maintained—Natural forces or acts of third party causing erosion of bed—Sewer exposed causing eddying and turbulence of water—Damage to riparian property—Whether authority liable—Duty to "maintain" hereditament—Meaning—Public Health Act, 1936, ss. 23, 31, 331.
Radstock Co-operative and Industrial Society v. Norton-Radstock Urban District Council, Ungoed-Thomas J. [1967] Ch. 1094; [1967] 3 W.L.R. 588.
C.A. [1968] Ch. 605; [1968] 2 W.L.R. 1214.

"*Public sewer*"

Sewers vested in local authority—Decision of local authority to construct sewer at own expense—Sewer to connect two private sewers—Whether a "public sewer"—Public Health Act, 1936, ss. 15 (1) (i) (*b*), 20 (1) (*b*) (2).
Moore v. Frimley and Camberley Urban District Council, C.A. (1965) 63 L.G.R. 194.

Right of inspection

Blockage of drain—Drain from house to main sewer running under county council's land—Notice of intention to inspect premises given by borough council to county council and owner of house—Inspection revealing defect in drain under county council's land—Notice requiring county council to repair drain—Whether notice valid—Whether county council owner of premises "in respect of which an inspection was made"—Public Health (London) Act, 1936, s. 40 (1) (4). **Camberwell Metropolitan Borough Council v. London County Council,** Divl.Ct. (1963) 61 L.G.R. 336.

"*Sewer*"

Culvert under bed of canal—Culvert constructed by canal company in compliance with requirement of Canal Act—Water drained from adjoining land—Subsequent connection of sewers to culvert by sewerage company—Canal Act expressly providing that it should be allowed as Public Act—Whether culvert a "sewer"—Whether "made and used for the purpose of draining . . . land under a private Act of Parliament"—Whether vesting in sewerage authorities—Whether subsequent change of use and vesting in authority on connection with sewers—Whether duty of authority to inspect and repair—Public Health Act, 1948, ss. 43, 45, 145.
Leigh Corpn. v. British Waterways Board, MacKenna J. (1968) 67 L.G.R. 341.

Vesting of sewer in local authority—Pipe constructed as foul sewer sealed off and not used—Proposal to declare vested in local authority—"Used for the drainage"—Whether unused pipe a "sewer"—Public Health Act, 1936, ss. 17, 343.
Blackdown Properties Ltd. v. Ministry of Housing and Local Government, Stamp J. [1967] Ch. 115; [1965] 2 W.L.R. 1353.

Trade effluent

Discharge into sewer—Agreement between local authority and occupier of factory allowing "all manner of sewerage" to be discharged through intercepting sewers into public sewers—Made under private Act—Public Health Act enabling local authority to make charges on occupiers of factories discharging effluent—Whether factory occupier liable—Public Health (Drainage of Trade Premises) Act, 1937, s. 7 (4)—Public Health Act, 1961, s. 55.
Nottingham Corpn. v. Bulwell Finishing Co. Ltd., Plowman J. (1969) 68 L.G.R. 128.

Water supply

Power to add ingredient

Corporation's statutory duty to provide "pure water"—Power to add fluoride—New Zealand. **Attorney-General of New Zealand v. Lower Hutt City Corpn.,** P.C. [1964] A.C. 1469; [1964] 3 W.L.R. 584.

PUBLIC INTEREST

Farming

Telephone

Whether Post Office should interfere.
Cartwright v. Post Office, Willis J. [1968] 2 Q.B. 439; [1968] 3 W.L.R. 63.
C.A. [1969] 2 Q.B. 62; [1969] 2 W.L.R. 323.

PUBLIC POLICY. (*See also* Contract.)

Administration of justice

Domestic tribunal

Rule precluding legal representation—Rule precluding legal proceedings without consent of tribunal—Validity. **Enderby Town Football Club Ltd. v. Football Association Ltd.,** C.A. [1970] 3 W.L.R. 1021.

Immunity from action for conduct in court

Barrister sharing immunity—Whether immunity extending to advisory work unconnected with proceedings in court.
Rondel v. Worsley, C.A. [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950.
H.L.(E.) [1969] 1 A.C. 191; [1967] 3 W.L.R. 1666.

Solicitor applying for bench warrant for attendance of witness—Evidence in court—Instructions to counsel—Extent of immunity.
Roy v. Prior, C.A. [1970] 1 Q.B. 283; [1969] 3 W.L.R. 635.
H.L.(E.) [1970] 3 W.L.R. 202.

Police powers

Search warrant—Duty of public to help police—Temporary seizure of goods on mistaken but reasonable belief that stolen and would give material evidence on criminal charge—Whether police liable in trespass—Interest of public policy.
Chic Fashions (West Wales) Ltd. v. Jones,
C.A. [1968] 2 Q.B. 299; [1968] 2 W.L.R. 201.

Husband and wife

Evidence of conduct of parties

Maintenance proceedings following undefended divorce—Husband seeking to adduce evidence relating to wife's conduct—Whether public policy excluding matters not subject of estoppel per rem judicatam.
Tumath v. Tumath, C.A. [1970] P. 78; [1970] 2 W.L.R. 169.

Marital confidence

Disclosure of communications made during currency of marriage—Publication of articles by husband after marriage terminated—Wife's application for an injunction—Jurisdiction of court. **Argyll (Duchess) v. Argyll (Duke),** Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

Landlord and tenant

Lessor's covenant to repair

Lessee's contributions towards expenses of performing covenant as certified by lessor's surveyor—Certificate " shall be final and not subject to challenge in any manner whatsoever "—Whether ousting court's jurisdiction on questions of law—Whether void.
In re **Davstone Estates Ltd.'s Leases,** Ungoed-Thomas J.
[1969] 2 Ch. 378; [1969] 2 W.L.R. 1287.

Name and arms clause. *See* Name and Arms Clause.

Religious discrimination

Trusts

Charitable trust excluding Jews and Roman Catholics—Whether exclusion valid.
In re **Lysaght, decd.,** Buckley J. [1966] Ch. 191; [1965] 3 W.L.R. 391.

Right to work

Trade association with monopoly powers

Refusal of licence by Jockey Club to woman trainer — Whether sex discrimination — Whether contrary to public policy—Sex Disqualification (Removal) Act, 1919, s. 1.
Nagle v. Feilden, C.A. [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027.

Will

Marriage condition

Bequest increased " if my . . . daughter shall be divorced or shall live separately " from her husband—Whether incentive to break up marriage—Whether void as contrary to public policy.
In re **Johnson's Will Trusts,** Buckley J. [1967] Ch. 387; [1967] 2 W.L.R. 152.

PUBLIC SERVICE VEHICLE. *See* Road Traffic.

PUBLIC TRUSTEE

Alive, whether beneficiary

Absence

Desertion and disappearance of husband, beneficiary under will trust—Whether public trustee to pay trust funds to wife under sequestration order—Onus probandi—Public Trustee Act, 1906, s. 10 (1)—Public Trustee Rules, 1912, rr. 27, 28 (as amended).
In re **Wilson, decd.,** Ungoed-Thomas J. [1964] 1 W.L.R. 214.

PURCHASE NOTICE. *See* Town Planning.

PURCHASE TAX. *See* Revenue.

QUANTUM MERUIT

Company director

Remuneration

Managing director to be paid such amount "as the directors may determine"—No determination—Whether director entitled to remuneration on a quantum meruit.
In re **Richmond Gate Property Co. Ltd.**, Plowman J. [1965] 1 W.L.R. 335.

Existing contract

Additional work

Need for implication of new contract and thus to get rid of old contract—Contract by surveyor to arrange, supervise, etc. specified building work estimated to cost £600 for fee of £30—Additional work bringing cost to £2,283 ordered by building owner and supervised by surveyor—No request by surveyor for increasing fee until after work completed—Whether surveyor entitled to more than £30 agreed fee.
Gilbert & Partners v. Knight, C.A. [1968] 2 All E.R. 248.

QUARTER SESSIONS. *See* Crime; Justices.

QUASI-CONTRACT. *See* Restitution.

QUEEN'S PEACE. *See* Justices (**Peace**).

RACE RELATIONS. *See* Discrimination.

RACIAL DISCRIMINATION. *See* Discrimination.

RAILWAY. (*See also* Occupiers' Liability.)

Bridge

Accommodation bridge

Whether railway board liable for non-repair—Whether duty to pedestrian living in vicinity—Use of bridge for shopping—Lands "adjoining" the railway—Railways Clauses Consolidation Act, 1845, s. 68. **Greenhalgh v. British Railways Board,** C.A. [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892.

Carriage of passengers

Fare

Intent to avoid payment of—Passenger travelling without buying ticket—Insufficient fare tendered at barrier of destination station—No finding when intent to avoid payment formed—Whether passenger still travelling on railway on arrival at destination barrier—"Travel" on a railway—Regulation of Railways Act, 1889, s. 5.
Bremme v. Dubery, Divl.Ct. [1964] 1 W.L.R. 119.

Intent to "enable . . . person . . . to travel"—Tender of insufficient fare at barrier on arrival—"Travel"—London Transport Board By-laws, by-law 8 (1).
Murphy v. Yerati, Divl.Ct. [1967] 1 W.L.R. 641.

Closure of line

Minister's condition of adequate bus services authorised by licences

Appeal against licences—Whether closure before determination of appeal lawful—Whether restrainable by injunction.
Warwickshire County Council v. British Railways Board, C.A. [1969] 1 W.L.R. 1117.

Level crossing

Accommodation road

Right of way granted to landowner—Extent of permitted user—Construction of grant—Railways Clauses Consolidation Act, 1845, s. 68.
British Railways Board v. Glass, Ungoed-Thomas J. [1964] 1 W.L.R. 294.
C.A. [1965] Ch. 538; [1964] 3 W.L.R. 913.

Injury on private level crossing

Extent of occupier's duty to trespasser.
Comr. for Railways v. Quinlan, P.C. [1964] A.C. 1054; [1964] 2 W.L.R. 817

Negligence. (*See also* Negligence.)

Duty of care

Warning—Railway engine—Dangerous conditions—Engine driver's failure to give long whistle—Whether negligence—Whether duty to make warning effective—Railwayman's failure to look out—Whether contributory negligence.
Geddes v. British Railways Board, C.A. (1968) 4 K.I.R. 373.

Rating. *See* Rating (**Railway or canal hereditament**).

RAILWAY—*continued.*

Statutory duty

Permanent way men

Sub-gang working on line—Sub-gang detailed for work by sub-inspector—Ganger in charge—No look-out man appointed—Unexpected diversion of electric train—Ganger killed on line—Whether " danger " . . . likely to arise "—Duty to provide for look-out—Whether duty of sub-inspector or ganger—Prevention of Accidents Rules, 1902, r. 9.
Keaney v. British Railways Board, C.A. [1968] 1 W.L.R. 879.

Statutory powers

Light railway

Railway in disuse—Application to Minister for amending order to enable railway to re-open—Likely obstruction of traffic by level-crossings—Minister's discretion—Whether involving considerations of expediency and public interest—Light Railways Act, 1896, ss. 7, 9 (1), 24.
Rother Valley Railway Co. Ltd. v. Ministry of Transport, C.A. [1970] 3 W.L.R. 909.

RATING. (*See also* LANDS TRIBUNAL.)

Agricultural building

Chicken broiler houses

Agricultural land used for growing barley and grassland for free-range cockerels—Buildings used as factory farm for production of broiler chickens for the table—Whether buildings " agricultural buildings . . . occupied together with agricultural land . . . used solely in connection with agricultural operations thereon "—Test—Whether exempt from rating—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2).
W. & J. B. Eastwood Ltd. v. Herrod, C.A. [1968] 2 Q.B. 923; [1968] 3 W.L.R. 593.
H.L.(E.) [1970] 2 W.L.R. 775.

Surrounding land exceeding one-quarter of an acre—Buildings—Whether " occupied together with " and " used solely in connection with agricultural operations " on the land—" Agricultural buildings "—" Agricultural operations "—" Agricultural land " used " for the purpose of poultry farming "—Meanings—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2). **Gilmore v. Baker-Carr,** C.A. [1962] 1 W.L.R. 1165.

Grain dryer

Co-operative purchase by local farmers' syndicate—User quota of members—Managed by committee and held by trustees—Rateable occupation—Whether " occupied together with agricultural land " and " used solely in connection with agricultural operations thereon "—Proprietary rights of members—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2). **Farmers' Machinery Syndicate (11th Hampshire) v. Shaw,**
C.A. [1961] 1 W.L.R. 393.

Drainage rate

Determination of annual value

Hereditament not assessed for purposes of income tax—Majority of hereditaments in area assessed on Schedule A valuation—Last Schedule A valuation in 1936—Determination by drainage board of annual value of new hereditament on 1958 value—Whether regard to be had to equality—Land Drainage Act, 1930, s. 29.
Reg. v. Hastings Justices, *Ex parte* **Pevensey Levels Internal Drainage Board,**
Divl.Ct. [1962] 2 Q.B. 11; [1962] 2 W.L.R. 463.

Exemption from

Power of drainage board to exempt occupiers of hereditaments in any " portion of the district " which ought to be exempt—Coal workings 1,300 feet underground impervious to drainage benefit—Whether " portion of the district "—Whether statutory words relating only to surface of land or extending below and above surface—Meaning of " portion of the district " in drainage rating legislation—Land Drainage Act, 1930, s. 24 (7). **Reg. v. Trent River Authority,** *Ex parte* **National Coal Board,**
Divl.Ct. [1968] 2 Q.B. 640; [1968] 2 W.L.R. 1379.
C.A. [1969] 2 Q.B. 141; [1969] 2 W.L.R. 653.
H.L.(E.) [1970] 2 W.L.R. 531.

Education

Changing rooms

Assessment—Gross value—School playing fields detached from schools—Buildings used mainly as changing rooms but some educational user—Whether building used for educational purposes—Whether playing fields appurtenant to the buildings—Rating and Valuation Act, 1925, s. 22 (1) (*a*) (4) (as amended).
Parkin v. London County Council, C.A. (1961) 59 L.G.R. 380.

Educational scheme

Scheme obliging trustees to administer estate and distribute revenues—Trustees not directly concerned with schooling or school property—Trustees occupying hereditament for administering estate and distributing revenues—No educational work carried out in hereditament—Administration of estate entirely within framework of scheme—Whether distribution of revenues sole relevant charitable purpose—Whether " hereditament . . . wholly used for charitable purposes "—Whether power in rating authority to reduce or remit rates—Rating and Valuation Act, 1961, s. 11 (1) (*a*) (4).
Aldous v. Southwark London Borough Council, Roskill J. (1967) 66 L.G.R. 48.

RATING—*continued.*

Education—*continued.*

Fee paying school

Charitable purposes—Exemption—Northern Ireland.
Campbell College, Belfast (Governors) v. Northern Ireland Valuation Comr., H.L.(N.I.) [1964] 1 W.L.R. 912.

Gas board

Transitional provisions

Rooms in town hall leased to gas board—No separate rating assessment—Rates paid by corporation as occupiers of town hall to corporation as rating authority—Sums in respect of rates included in rent paid by board—Whether "rates actually levied on the board"—"Levied"—Whether money paid under mistake of fact—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 6, Sch. 4, para. 2 (1).
North Western Gas Board v. Manchester Corpn., Megaw J. (1963) 61 L.G.R. 241.
C.A. [1964] 1 W.L.R. 64.

Health

Exempt structure

Brick-built garage used for motor car of disabled person—Whether garage a "structure" of which no account should be taken for rating—Whether "of a kind similar" to a temporary one supplied by Minister of Health—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 9 (1) (*d*). **Walker v. Wood,** C.A. [1962] 1 W.L.R. 1060.

"Structure"—Institution for the blind—Hereditament comprising large two-storey building, two separate single-storey buildings, lock-up garages, gardener's shed, store and large open space—Hereditament used as hostel and technical training centre for blind—Whether buildings "structures" of which no account should be taken for rating—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 9 (1) (*c*).
Almond v. Birmingham Corpn., C.A. [1966] 2 Q.B. 395; [1966] 2 W.L.R. 374.
H.L.(E.) [1968] A.C. 37; [1967] 3 W.L.R. 196.

Voluntary organisation—Dwelling-house occupied by aged and infirm blind—Whether blindness an "illness"—Whether building a "structure" of which no account should be taken—National Health Service Act, 1946, ss. 28 (1), 79 (1)—National Assistance Act. 1948, ss. 21, 29 (1)—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 9 (1). **Jewish Blind Society Trustees v. Henning,** C.A. [1961] 1 W.L.R. 24.

Hereditament

Caravan site

Land on different levels joined by steps—Two proposals—Whether first proposal relating to whole hereditament or each proposal to a different part.
Sussex Caravan Parks Ltd. v. Richardson, C.A. [1961] 1 W.L.R. 561.

Meaning

Two hereditaments linked by private road—Whether contiguous—Whether one or two hereditaments. **Butterley Co. Ltd. v. Tasker,** C.A. [1961] 1 W.L.R. 300.

Industrial hereditament

Adaptation for sale

"Purposes of storage"—Timber drying—Method of stacking—No manual operation—Whether premises entitled to be de-rated—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1). **Buncombe v. Baltic Sawmills Co. Ltd.,** C.A. [1961] 1 W.L.R. 1181.

Road vehicle housing or maintenance

Manufacture and reconditioning of parts of vehicles—Also servicing and maintenance—Whether "industrial hereditament"—Rating and Valuation (Apportionment) Act, 1928, s. 3 (1) (2) (*b*)—Local Government Act, 1929, s. 69.
East Yorkshire Motor Services Ltd. v. Clayton, C.A. [1961] 1 W.L.R. 1454.

Television studio

Transmission of electrical impulses by land line to other premises—Persons engaged in manual labour assisting—Whether electrical impulse an "article" manufactured on premises—Electrical energy used on premises transmitted in sound or visual signals—Whether premises an electrical installation—Whether a factory or workshop—Factory and Workshop Act, 1901, s. 149 (1), Sch. 6, Pt. I, para. 20.
Granada T.V. Network Ltd. v. Kerridge, C.A. (1963) 61 L.G.R. 332.

Lands Tribunal. *See* LANDS TRIBUNAL.

Market

Cattle market

Charges—Tolls for cattle brought into market for sale levied under local Act—Whether franchise tolls or tolls levied for use of soil—Whether rateable—Oswestry Markets and Fairs Act, 1848, s. 33, Sch. (B) (as amended by Oswestry (Corporation) Water and Market Act, 1885, s. 24, Sch.). **Oswestry Corpn. v. Hudd,** C.A. [1966] 1 W.L.R. 363.

RATING—*continued.*

Plant and machinery

Hydraulic power plant

Actuated by electricity—Whether "generation . . . of power"—Whether distinction to be drawn between production or conversion and generation of power—Canon of construction to be used for rating purposes—Hydraulic pumps—Whether "pumping engines for hydraulic power"—Electric motor—Whether "prime mover"—Rating and Valuation Act, 1925, Sch. 3, para. 1 (*a*)—Plant and Machinery (Rating) Order, 1960, Sch., Class 1A, Table 1A (*h*).
Chesterfield Tube Co. Ltd. v. Thomas, C.A. [1970] 1 W.L.R. 1483.

Playing field

Sports club

Exemption—Hereditament consisting of playing fields and pavilion containing recreation room—No charge normally made for entry to playing fields—Occasional charges for charity events paid to charity—Recreation room let out for dances when not required by club members—Charges applied to club funds—Whether club "established or conducted for profit"—Whether entitled to rating relief—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*c*).
Newton-le-Willows Cricket, Bowling, Tennis, Hockey and Rugby Union Football Club (Committee of) v. Newton-le-Willows Urban District Council Rating Officer, Divl.Ct. (1966) 64 L.G.R. 228.

Railway or canal hereditament

"*Net annual value*"

Non-industrial hereditament occupied partly for non-rateable and partly for other purposes—Ascertainment of net annual value—Meaning of "such annual net value as may be just"—Local Government Act, 1948, s. 87 (1) (*b*)—Rating and Valuation Act, 1925, s. 22 (1) (*a*) (*b*) (4) (as amended)—Rating and Valuation Act, 1957, s. 1.
London Transport Executive v. Cane, C.A. (1961) 59 L.G.R. 119.

Rateable occupation

Art gallery

Hereditaments for use by the public as an art gallery—Exclusion of public from parts of hereditament—Whether any beneficial occupation.
Clayton v. Kingston-upon-Hull Corpn., C.A. [1961] 1 Q.B. 345; [1961] 2 W.L.R. 1.
H.L.(E.) [1963] A.C. 28; [1961] 3 W.L.R. 497.

Bowling green

Green situated in public park—Park exempt from rate—Exclusive use of green by local club—Public able to see and walk round—Whether bowling green rateable.
Blake v. Hendon Corpn. (No. 2), C.A. (1965) 63 L.G.R. 198.

Charity

Flats—Let as charitable activity—Conditions of letting—Whether "occupied" by charity—Whether entitled to rating relief—Rating and Valuation Act, 1961, s. 11 (1) (*a*).
Soldiers', Sailors' and Airmen's Families Association v. Merton London Borough Council, Buckley J. [1966] 1 W.L.R. 736.
C.A. [1967] 1 W.L.R. 127.

Coal tip

Extraction of material from tip—Rights of extraction sold to appellants for 15-year period—Whether appellants in rateable occupation of tip.
Ryan Industrial Fuels Ltd. v. Morgan, C.A. [1965] 1 W.L.R. 1347.

Gas research station

Area gas board conducting research for Gas Council—Whether board or council in rateable occupation of station.
Solihull Corpn. v. Gas Council, C.A. [1961] 1 W.L.R. 619.
H.L.(E.) [1962] 1 W.L.R. 583.

Matrimonial home

Husband leaves wife—Wife's refusal to vacate—Failure to pay rates—Summons issued against husband—Whether husband rateable occupier—Burden of proof—General Rate Act, 1967, s. 97 (1).
Des Salles D'Epinoix v. Kensington and Chelsea (Royal) London Borough Council, D.C. [1970] 1 W.L.R. 179.

Husband leaves wife in house—Whether wife in rateable occupation.
Malden and Coombe Corpn. v. Bennett, Divl.Ct. [1963] 1 W.L.R. 652.

Husband rateable occupier—Decree absolute of divorce—Nominal maintenance order on husband continuing to pay outgoings and permitting wife and child to reside in home—Wife continuing to live in home—Husband residing abroad—Rates unpaid—Rating authority's substitution of wife as rateable occupier—Whether husband rateable occupier.
Mourton v. Hounslow London Borough Council, D.C. [1970] 2 Q.B. 362; [1970] 2 W.L.R. 1299.

Public park

Exemption—Whether public in beneficial occupation—Whether dedication to public necessary—Public Health Act, 1875, s. 164—Local Government Act, 1933, s. 164.
Blake v. Hendon Corpn., C.A. [1962] 1 Q.B. 283; [1961] 3 W.L.R. 951.

RATING—*continued.*

Rateable occupation—*continued.*

Religion

Church officer's house adjacent to church—Church charitable—Whether house occupied by charity or man.
Glasgow Corpn. v. Johnstone, H.L.(Sc.) [1965] A.C. 609; [1965] 2 W.L.R. 657.

Residential caravans

Caravans on site occupied throughout year—Whether caravan and pitch a rateable hereditament—Whether caravan and pitch one unit of occupation—Measure of control exercised by site operator—Whether site operator or caravan owner in paramount occupation—Whether caravan rateable as chattel.
Field Place Caravan Park Ltd. v. Harding, C.A. [1966] 2 Q.B. 484; [1966] 3 W.L.R. 198.

Shop

Fact or law?—Bookshop open for sale of books for one week—Some of stock removed after closure—Books and dust-jackets left on premises for three months—No finding as to value—Whether occupier in beneficial occupation.
Appleton v. Westminster Corpn., Divl.Ct. (1963) 61 L.G.R. 535.

Unoccupied hereditament

Premises unoccupiable—Block of flats being altered and improved—Empty for more than three months—Whether owner of unoccupiable premises liable to rates thereon—General Rate Act, 1967, s. 17 (1), Sch. 1, paras. 1, 10.
Easiwork Homes Ltd. v. Redbridge London Borough Council, D.C. [1970] 2 Q.B. 406; [1970] 2 W.L.R. 1199.

Rateable value

Assessment of

Actual rent—Relevance in assessment to gross value—Method of valuation—Duty of valuation officer to find hypothetical rent reasonably to be expected—Rating and Valuation Act, 1925, s. 68.
Reg. v. Paddington Valuation Officer, *Ex parte* **Peachey Property Corpn. Ltd.,** C.A. [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426.

————Rents of comparable hereditaments—Whether evidence of actual gross value—Relevance of economic pressures—Future trends in rateable value—Assessment of gross value—Discretion of valuation officer—Rating and Valuation Act, 1925, s. 68.
Reg. v. Paddington Valuation Officer, *Ex parte* **Peachey Property Corpn. Ltd.,** Divl.Ct. [1964] 1 W.L.R. 1186.

Amendment of valuation list—Proposal to amend valuation list on ground that "the present assessment is incorrect and insufficient"—Whether increased value due to structural alterations reflected in new assessment—Local Government Act, 1948, s. 42 (2).
Cox & Co. (Waterford) Ltd. v. Bushey Urban District Council, McNair J. (1962) 60 L.G.R. 68.

Method of valuation—Evidence of value—"Best evidence"—Caravan site let at annual rent—Experts proffering valuations based on profits and contractor's basis—Tribunal rejecting as inadmissible evidence for parties where actual lease rent available—Whether misdirection—Whether well established dictum on "best evidence" in rating assessments out of date—Admissibility of all evidence assisting correct estimate of hypothetical rent for rating purposes—Rating and Valuation Act, 1925, s. 22 (1) (*b*).
Garton v. Hunter, C.A. [1969] 2 Q.B. 37; [1969] 2 W.L.R. 86.

Proposed demolition of part of hereditament—Demolition by local authority under statutory powers—Whether to be taken into account—Nature of hypothetical tenancy—"From year to year"—Rating and Valuation Act, 1925, s. 22 (1) (*b*).
Almond v. Ash Brothers & Heaton Ltd., C.A. [1968] 1 W.L.R. 133.
H.L.(E.) [1969] 2 A.C. 366; [1969] 2 W.L.R. 1024.

Dwelling-house

Landlords' application to increase rateable value of dwelling-houses—Some repairs done by landlords without legal obligation to do repairs—Whether Lands Tribunal entitled to treat moral obligation to do repairs as factor in hypothetical rent—Whether tribunal entitled to reduce value on evidence of existence of marked scarcity of dwelling accommodation—Valuation for Rating Act, 1953, s. 2 (1) (2) (5).
Chalmers Property Investment Co. Ltd. v. Rubery, C.A. (1961) 59 L.G.R. 154.

Owner-occupied before and since June 30, 1939—Evidence as to value—Best evidence—Comparable houses let at relevant date—Whether capital cost may be taken into consideration—Valuation for Rating Act, 1953, s. 2 (2).
Munday v. Mason, C.A. (1961) 59 L.G.R. 282.

Profits basis

Docks undertaking forming part of one statutory undertaking—Docks run at a loss—Nil assessment—Deficit in part of undertaking made up from other sources—Whether evidence of special circumstances justifying departure from or modification of profits basis—Rating and Valuation Act, 1925, s. 22 (1) (*b*)—Transport Act, 1947, s. 3 (4).
British Transport Commission v. Hingley, C.A., [1961] 2 Q.B. 16; [1961] 2 W.L.R. 370.

RATING—*continued.*

Rateable value—*continued.*

Rent restriction legislation

Licensed premises—Gross value found by direct method of valuation—Notice requiring owners to supply particulars of actual trade—Whether particulars "reasonably required" by valuation officer—"Reasonably required"—Whether notice authorised by Act—Local Government Act, 1948, s. 58 (1) (2) (as amended by Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 15, Sch. 7, Pt. 1)—Rating and Valuation Act, 1925, s. 68. **Watney Mann Ltd. v. Langley,** Thompson J. [1966] 1 Q.B. 457; [1964] 2 W.L.R. 858.

Mandatory or permissive—Amenity undertaking—Beach—Agreement by parties for valuation by "profits basis" method—Whether Lands Tribunal bound to make assessment on agreed basis—Whether tribunal entitled to assess amenity undertaking run at a loss on hypothetical rent basis—Local Government Act, 1948, ss. 48 (4), 49 (1)—Lands Tribunal Act, 1949, s. 1 (3)—Rating and Valuation Act, 1925, s. 22 (1) (*b*). **Morecambe and Heysham Corpn. v. Robinson,** C.A. [1961] 1 W.L.R. 373.

Reduction in rateable value—Alteration in valuation list—Repayment of excess rate prior to date of alteration of valuation list—Effect—Rating and Valuation Act, 1961, s. 17—Rent Act, 1965, ss. 1, 43 (4)—General Rate Act, 1967, ss. 9, 79. **Gwynne Trusts Ltd. v. Rodwell,** C.A. [1969] 1 W.L.R. 740. H.L.(E.) [1970] 1 W.L.R. 327.

Rental basis

Airport petrol stations—Occupation and trading rights—Inclusive rent—Whether trading rights necessarily appurtenant to occupation. **Shell-Mex v. Langley,** C.A. [1962] 1 W.L.R. 1392.

Relief under Act of 1955

Charity

Approved school—Owned and occupied by trustees of charity—School conducted by managers appointed by charity but subject to approval by Home Secretary—Whether occupied for purposes of organisation whose objects charitable—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*). **National Children's Home and Orphanage Registered Trustees v. Penarth Urban District Council,** C.A. (1961) 59 L.G.R. 170.

Charitable institute—Hereditament occupied for investment purposes—Income used for benefit of institution—Whether occupied "for the purposes of" the institution—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*). **Polish Historical Institution Ltd. v. Hove Corpn.,** Wilberforce J. (1963) 61 L.G.R. 438.

Education

University college—Policy of community of residence—Teaching and administrative staff houses—Staff required to reside in houses in college grounds—Whether "occupied for the purposes of" the college—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1). **University College of North Staffordshire v. Newcastle-under-Lyme Rural District Council,** Divl.Ct. (1961) 59 L.G.R. 301.

Hereditament, change of

Construction of additional buildings—Increase in building area and rateable value—No change in boundaries—Description in valuation list unchanged—Whether same "hereditament"—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (2). **Institute of Orthopaedics v. Harrow Corpn.,** Cross J. [1963] 1 W.L.R. 10.

Relief under Act of 1961

Charity

Estates settled on trusts for charitable purposes—Educational scheme requiring trustees to administer estates and distribute revenue—Hereditaments occupied by trustees for managing estates and income-producing assets for distribution for educational purposes—Whether hereditaments "wholly . . . used for charitable purposes"—Whether management and administration of estates under scheme charitable activities—Rating and Valuation Act, 1961, s. 11 (1) (*a*). **Aldous v. Southwark London Borough Council,** C.A. [1968] 1 W.L.R. 1671.

Miners' welfare holiday camp—Provision for admission of non-objects at cost—Whether separate non-charitable purpose—Whether "wholly or mainly occupied" for charitable purposes—Rating and Valuation Act, 1961, s. 11 (1) (*a*). **Wynn v. Skegness Urban District Council,** Ungoed-Thomas J. [1967] 1 W.L.R. 52.

Service occupancy

School caretaker—Residence in house owned by school essential for caretaking—Absence of written agreement—No contractual agreement on caretaker to reside in house—Whether residence "necessary"—Whether house occupied by school trustees for charitable purpose—Rating and Valuation Act, 1961, s. 11 (1). **Hirst v. Sargant,** Divl.Ct. (1966) 65 L.G.R. 127.

RATING—*continued.*

Religion

Church officer's house

Adjacent to church—By whom occupied—Whether used for charitable purposes—Local Government (Financial Provisions, etc.) (Scotland) Act, 1962, s. 4 (2) (*a*).
Glasgow Corpn. v. Johnstone, H.L.(Sc.) [1965] A.C. 609; [1965] 2 W.L.R. 657.

Places of "public religious worship"

Exemption—Mormon temple certified as place of religious worship—Entry restricted to selected class of worshippers—Admission by document valid for one year—Public not admitted to building—Whether "public worship"—Whether building a "church hall, chapel hall or similar building used in connection with . . . place of public religious worship"—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 7 (2) (*a*) (*b*).
Henning v. Church of Jesus Christ of Latter-Day Saints,
C.A. [1962] 1 W.L.R. 1091.
H.L.(E.) [1964] A.C. 420; [1963] 3 W.L.R. 88.

Science, literature or fine arts

Exemption

"Annual voluntary contributions"—College instituted for purposes of musical instruction and encouragement of music—Annual receipts of donations, gifts in kind, conditional and unconditional legacies, funds from trusts, government grants—Scope of "annual voluntary contributions"—Whether percentage of total income constituting "support" decisive in relation to society within spirit and letter of statute—"Supported in part"—"Annual"—"Voluntary"—"Contribution"—Meaning—Government grants not annual voluntary contributions—Scientific Societies Act, 1843, s. 1.
Royal College of Music v. Cane, C.A. [1961] 2 Q.B. 89; [1961] 2 W.L.R. 571.

Sewer

Exemption

Treatment of sewage—Pumping device—Whether function of pipes changed—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 9 (2) (3)—Public Health Act, 1936, s. 343. **Gudgion v. Erith Borough Council,** C.A. (1961) 59 L.G.R. 433.

Valuation list

Compilation of

Certiorari and mandamus—Challenge to whole list as invalid—Ratepayer not limited to statutory remedy for correcting particular errors in valid list—Ratepayer on invalid list partly aggrieved though suffering no damage—Duty of valuation officer to act judicially—Chaos resulting from quashing invalid list and making new list no ground for refusing relief by prerogative orders—Local Government Act, 1948, ss. 40–49.
Reg. v. Paddington Valuation Officer, *Ex parte* **Peachey Property Corpn. Ltd.,**
C.A. [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426.

Duty of valuation officer—Purpose-built flats and houses in multiple occupation—Inspection of hereditaments—Assessment of future trends—Comparison with similar hereditaments—Form of rent return—Whether for discretion of valuation officer—Relevance of economic pressures—Local Government Act, 1948—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 1.
Reg. v. Paddington Valuation Officer, *Ex parte* **Peachey Property Corpn. Ltd.,**
Divl.Ct. [1964] 1 W.L.R. 1186.

Errors in

Compilation of new valuation list—Whether errors of law or in principle in regard to particular assessment render whole list a nullity.
Reg. v. Paddington Valuation Officer, *Ex parte* **Peachey Property Corpn. Ltd.,**
Divl.Ct. [1964] 1 W.L.R. 1186.

Water rate

Assessment, basis of

Gravel pit and premises—Lagoon and huts without water supply—Mobile toilet and small office supplied with water—Whether "premises" to which water supplied whole hereditament—Whether two small buildings "the premises"—Water Act, 1945, Sch. 3, ss. 46 (1) (3), 49.
Thames Valley Water Board v. Hoveringham Gravels Ltd., C.A. (1970) 68 L.G.R. 693.

RECTIFICATION. *See* CONTRACT.

REGISTERED LAND. (*See also* LAND REGISTRATION.)

Easement

Registration

Easements over unregistered land appurtenant to registered land—Whether purchaser entitled to require registration by vendor before completion—Land Registration Act, 1925, ss. 3 (viii) (xxiv), 110 (5)—Land Registration Rules, 1925, rr. 251, 252 (1).
In re **Evans' Contract,** Stamp J. [1970] 1 W.L.R. 583.

REGISTERED LAND—*continued.*
Mortgage
Tenant's rights
Deserted wife—Whether right to occupy matrimonial home an "overriding interest"—Land Registration Act, 1925, s. 70 (1) (*g*).
National Provincial Bank Ltd. v. Hastings Car Mart Ltd.,
Cross J. [1964] Ch. 9; [1963] 2 W.L.R. 1015.
C.A. [1964] Ch. 665; [1964] 2 W.L.R. 751.
H.L.(E.) [1965] A.C. 1175; [1965] 3 W.L.R. 1.

RELIGION. (*See also* CHARITY; RATING.)
Place of worship
Registration
Church of Scientology—Chapel certified as "place of meeting for religious worship"—Whether registration after certification obligatory as purely ministerial—Whether Registrar General entitled after inquiry to refuse registration—Remedy against refusal—Mandamus—Whether use of place to be decided by court on review of evidence—Indicia of "Religious worship"—Places of Worship Registration Act, 1855, ss. 2, 3, 8.
Reg. v. Registrar General, *Ex parte* **Segerdal,** D.C. [1970] 1 Q.B. 430; [1970] 2 W.L.R. 140.
C.A. [1970] 2 Q.B. 697; [1970] 3 W.L.R. 479.

Registrar General's certificate
Scientologist chapel—"Place of meeting for religious worship"—Whether Registrar General's certificate conclusive—Whether entitled to consider use of place—Places of Worship Registration Act, 1855, ss. 2, 3.
Reg. v. Registrar General, *Ex parte* **Segerdal,** D.C. [1970] 1 Q.B. 430; [1970] 2 W.L.R. 140.

RENT RESTRICTION. *See* LANDLORD AND TENANT.

RENT TRIBUNAL. *See* LANDLORD AND TENANT; TRIBUNAL.

REPAIRS. *See* LANDLORD AND TENANT.

REPEAL. *See* STATUTE.

RES IPSA LOQUITUR, *See* NEGLIGENCE (**Burden of proof**).

RES JUDICATA. *See* ESTOPPEL.

RESIDENCE
Commonwealth immigrant
"Ordinarily" and "continuously" resident
Short visit abroad during five-year period—Detention by foreign court—Commonwealth Immigrants Act, 1962, s. 7 (2).
Reg. v. Edgehill, C.C.A. [1963] 1 Q.B. 593; [1963] 2 W.L.R. 170.

Judicial separation
Jurisdiction
Quality of residence necessary. *See* HUSBAND AND WIFE.

Security for costs
"Ordinarily resident"
Plaintiff resident in England for 10 years—Provisional decision to return to native country at conclusion of case—Intention to return dependent on suitable employment Whether "ordinarily resident" out of the jurisdiction—R.S.C. (Rev. 1965), Ord. 23, r. 1 (1).
Appah v. Monseu, Swanwick J. [1967] 1 W.L.R. 893.

Short visit abroad
Detention by foreign court
Whether "any court"—Duty of sentencing court to inquire into eligibility for deportation—Whether deportation order part of punishment—Whether a sentence—Right of appeal.
Reg. v. Edgehill, C.C.A. [1963] 1 Q.B. 593; [1963] 2 W.L.R. 170.

RESTITUTION. (*See also* QUANTUM MERUIT.)
Money paid at defendants' request
Claim for
Distinction between claim for money lent.
In re **H. P. C. Productions Ltd.,** Plowman J. [1962] Ch. 466; [1962] 2 W.L.R. 51.

Quasi-contract
Money had and received
Bills of exchange not properly stamped—Whether total failure of consideration.
Hamilton Finance Co. Ltd. v. Coverley Westray Walbaum & Tosetti Ltd.,
Mocatta J. [1969] 1 Lloyd's Rep. 53.

RESTITUTION—*continued.*

Restitution order

Form

Order not expressly directed to or against any named person—Defendant convicted of breaking and entering and larceny—Whether order binding on defendant—Money deposited in bank in Scotland—Whether owner entitled to judgment—R.S.C., Ord. 42, r. 24—Larceny Act, 1916, s. 45 (1) (2).
Barclays Bank Ltd. v. Milne, Edmund Davies J. [1963] 1 W.L.R. 1241.

Unjust enrichment

Equitable charge on land

For expense incurred on building—Promise of conveyance—Unlawful "dealing" with the land—Fiji. **Chalmers v. Pardoe,** P.C. [1963] 1 W.L.R. 677.

Forfeiture clause. See CONTRACT (**Penalty**).

RESTITUTION OF CONJUGAL RIGHTS. *See* HUSBAND AND WIFE.

RESTRAINT OF TRADE. (*See also* RESTRICTIVE PRACTICES.)

Confidential information. (*See also* **Master and servant**; PATENT.)

Secret process

Process known to ex-employee—General knowledge acquired in working on secret process—Ex-employee entering service of competitor—Whether employers entitled to injunction restraining employee disclosing information relating to secret process—Distinction between knowledge recognised to be secret and general knowledge acquired in working on a secret process—Responsibility of employer to exact covenant if wanting to prevent employee from using general knowledge.
Printers & Finishers Ltd. v. Holloway, Cross J. [1965] 1 W.L.R. 1.

Employment

Football player

Retention and transfer of professional football players—Retained player unable to be engaged by other clubs—Employment not renewed by retention—No maximum period for retention—System of transfer fees—Player unable to transfer unless fee paid by new club—Player's consent necessary for transfer—Right of appeal—Both systems operated together to enable club to obtain transfer fee—Whether in restraint of trade—Whether ultra vires—Right of retained player to declaratory judgment—Contract between employers—Power of court to declare invalid—Right of employee to declaratory judgment. **Eastham v. Newcastle United Football Club Ltd.,** Wilberforce J. [1964] Ch. 413; [1963] 3 W.L.R. 574.

Master and servant. (*See also* PATENT (**Confidential information**).)

Bookmaker's manager

Names and addresses of all customers known to employers—Covenant not to carry on business of bookmaker within 12 miles of employer's business for period of three years—Whether in unlawful restraint of trade—Whether area restriction more than adequate to protect trade connection—Credit business conducted on telephone.
S. W. Strange Ltd. v. Mann, Stamp J. [1965] 1 W.L.R. 629.

Confidential information

Plastics technologist employed to co-ordinate research on adhesive tape—Access to detailed trade secrets—Details too difficult to remember specifically—Covenant against employment by competitors for one year after leaving employment—World-wide restriction—Not limited to competitors manufacturing adhesive tape—Whether any "confidential information" requiring protection—Whether restraint reasonable.
Commercial Plastics Ltd. v. Vincent, C.A. [1965] 1 Q.B. 623; [1964] 3 W.L.R. 820.

Estate agent

Clerk and negotiator employed as manager of branch office—Covenant not to carry on business as estate agent within radius of five miles of employer's business for three years after termination of employment—Branch in small country town—Recurring customers—Whether restriction more than adequate to protect trade connection—Whether severable—Covenant against competition—Whether enforceable.
Scorer v. Seymour-Johns, C.A. [1966] 1 W.L.R. 1419.

Milk roundsman

Covenant not to serve or sell "milk or dairy produce" to employer's customers for one year after leaving employment—No restriction as to area—Whether restriction more than adequate to protect trade connection—Whether enforceable—Whether improbable contingencies not within contemplation of parties to affect validity.
Home Counties Dairies Ltd. v. Skilton, C.A. [1970] 1 W.L.R. 526.

Pension fund

Employees required to join pension fund—Provision that if employee engaged in "activity or occupation . . . in competition with or detrimental to . . . interests" of employers committee entitled to cancel rights and benefits—Whether provisions of fund part of terms and conditions of employment of salesman—Whether a covenant in restraint of trade—Whether unreasonable.
Bull v. Pitney-Bowes Ltd., Thesiger J. [1967] 1 W.L.R. 273.

RESTRAINT OF TRADE—*continued.*

Master and servant—*continued.*

Salesman

One of five salesmen employed by agricultural merchants—Covenant not to canvass or solicit any "farmer or market gardener" who during period of employment was a customer of employers—Salesman not informed of all customers—No area limitation—Covenant limited to two years after termination of employment—Whether confined to goods the subject of employment—Whether reasonable.
G. W. Plowman & Son Ltd. v. Ash, C.A. [1964] 1 W.L.R. 568.

One of two salesmen employed by dealers in accessories to the lighting system of motor vehicles—Covenant not to solicit or seek to obtain orders from any person, firm or company "within the districts" in which the salesman had operated—Covenant limited to the class of goods handled by salesman during employment—Covenant limited to three years from termination of employment—Covenant not limited to those who had been customers—Whether covenant reasonable.
Gledhow Autoparts Ltd. v. Delaney, C.A. [1965] 1 W.L.R. 1366.

Medical practitioner

Partnership agreement

Covenants on withdrawal from partnership—Not to set up in practice within specified area, or to attend former patients of partnership—Severability of covenants—Whether covenant not to attend former patients reasonable—No payment to outgoing partner—Whether covenant sale of "goodwill" in National Health Service practice—National Health Service Act, 1946, s. 35 (1).
Macfarlane v. Kent, Stamp J. [1965] 1 W.L.R. 1019.

——————————Retiring partner not to engage in practice as a "medical practitioner" within 10-mile radius of partnership practice—Validity—Whether covenant wider than reasonably necessary for protection of partnership practice —"Medical practitioner." **Lyne-Pirkis v. Jones,** C.A. [1969] 1 W.L.R. 1293.

Professional body

Pharmacists

Use of powers to restrict trade activities of members—Non-contractual relationship—Whether involuntary restraint of trade—Whether member entitled to relief—Whether a restraint of trade contrary to public policy outside powers of controlling body.
Dickson v. Pharmaceutical Society of Great Britain,
Pennycuick J. [1967] Ch. 708; [1966] 1 W.L.R. 1539.
C.A. [1967] Ch. 708; [1967] 2 W.L.R. 718.
H.L.(E.) [1970] A.C. 403; [1968] 3 W.L.R. 286.

Restraints required to be reasonable

Whether categories closed

Restrictions falling within doctrine.
Petrofina (Gt. Britain) Ltd. v. Martin, C.A. [1966] Ch. 146; [1966] 2 W.L.R. 318.

Sale of goods

Restriction on brand of goods

Lease of garage premises—Underlease containing restrictive covenants on goods sold from premises—Assignment of underlease and licence to assign requiring assignee to observe and perform restrictive covenants—Whether assignee voluntarily accepting restrictive covenants entitled to ignore restrictions as being in restraint of trade—Whether lessee entitled to injunction requiring performance of covenants by assignee.
Cleveland Petroleum Co. Ltd. v. Dartstone Ltd., C.A. [1969] 1 W.L.R. 116.

Tied garage—Agreement to buy and sell plaintiffs' petroleum products only—Limitation to trade at particular garage—Advance of rebate on sales of petrol—Secured by charge on land—Whether agreement prima facie legal.
Regent Oil Co. Ltd. v. Aldon Motors Ltd., C.A. [1965] 1 W.L.R. 956.

——————Solus agreement with oil company for sale of petrol—Agreement for seven-and-a-half years—Advance by petrol supplier of £2,213 repayable against garage owner's entitlement to rebate—Injunction against breach of agreement by garage owner—Subsequent decision that similar solus agreement unenforceable as being in restraint of trade unless shown to be reasonable and in interests of both parties—Discharge of injunction sought. **Regent Oil Co. Ltd. v. J. T. Leavesley (Lichfield) Ltd.,**
Stamp J. [1966] 1 W.L.R. 1210.

——————Solus agreement with oil company having no proprietary interest in relevant land—Agreement to buy and sell company's petroleum—Agreement for 12 years—Not determinable after 12 years until certain quantity of petrol taken—Restriction on owner's right to dispose of premises save to person willing to take on solus agreement obligations—Severe competition between petrol-supplying companies—Sales of company's petrol insufficient to make profit—Whether restraint "reasonable"—Whether in interests of both parties and in public interest—Whether company entitled to protect trade interests —Whether agreement binding on freehold owner of premises.
Petrofina (Gt. Britain) Ltd. v. Martin,
Buckley J. [1965] Ch. 1073; [1965] 2 W.L.R. 1299.
C.A. [1966] Ch. 146; [1966] 2 W.L.R. 318.

RESTRAINT OF TRADE—*continued.*

Sale of goods—*continued.*

Restriction on brand of goods—continued.

Tied garage—Solus agreements with oil companies for sale of petrol—Agreements for four years and five months and 21 years respectively—Mortgage of garage irredeemable for 21 years with sales tie—Whether agreements in unlawful restraint of trade—Whether reasonable—Whether categories closed—Restrictions falling within doctrine—Whether applicable to covenants in mortgage.
Esso Petroleum Co. Ltd. v. Harper's Garage (Stourport) Ltd.,
Mocatta J. [1966] 2 Q.B. 514; [1965] 3 W.L.R. 469.
C.A. [1966] 2 Q.B. 514; [1966] 2 W.L.R. 1043.
H.L.(E.) [1968] A.C. 269; [1967] 2 W.L.R. 871.

Sales representative

Wholesalers and retailers of veterinary products—Employee undertaking not to sell in direct competition for one year after leaving employment in the area for which employed —Whether reasonably necessary to protect goodwill — Whether limited to employer's customers—Undertaking four years after commencement of employment—Whether void for uncertainty—Whether enforceable.
Agricultural Supplies (Ipswich) Ltd. v. Rushmere, Plowman J. (1967) 3 K.I.R. 55.

Trade association

Monopoly powers

Right to work—Jockey Club's refusal of training licence to woman—Whether sex discrimination—Whether contrary to public policy—Sex Disqualification (Removal) Act, 1919, s. 1. **Nagle v. Feilden,** C.A. [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027.

Trade union

Closed shop

Whether rules valid at common law—Trade Union Act, 1871, s. 3.
Faramus v. Film Artistes' Association, H.L.(E.)
[1964] A.C. 925; [1964] 2 W.L.R. 126.

RESTRICTIVE COVENANT. (*See also* LANDLORD AND TENANT.)

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Costs

Application to Lands Tribunal for modification of restrictive covenants—Application for discovery of objectors' documents of title refused—Subsequent application to High Court for declaration whether covenants enforceable and if so by whom—Submission by some of objectors—Whether objectors entitled to costs of High Court proceedings—Law of Property Act, 1925, s. 84 (1) (2).
In re **Jeff's Transfer (Practice Note),** Buckley J. [1965] 1 W.L.R. 972.

————————————————————Intervention by objectors — Adjournment of proceedings — Application to High Court for declaration whether covenant enforceable and if so by whom—Submission by some of objectors—Whether objectors entitled to costs of High Court proceedings—Law of Property Act, 1925, s. 84 (2). *In re* **Jeff's Transfer (No. 2),** Stamp J. [1966] 1 W.L.R. 841.

Whether land affected by covenants in transfer—Section 84 application—Objections—Extent of applicant's liability for costs—Law of Property Act, 1925, s. 84 (2) (*a*).
In re **Wembley Park Estate Co. Ltd.'s Transfer,** Goff J.
[1968] Ch. 491; [1968] 2 W.L.R. 500.

Whether land affected by covenant

Form of declaration—Costs—Law of Property Act, 1925, s. 84 (2)—Extent of plaintiff's liability for costs. *In re* **Jeffkins' Indentures,** Cross J. [1965] 1 W.L.R. 375.

Enforceability

Annexation

Conveyance of land—Covenant for benefit of remainder of estate belonging to vendor—Whether thereby annexed to each and every part of land retained by vendor—Whether purchasers of part of land retained entitled to enforce the covenant—No building scheme.
In re **Jeff's Transfer (No. 2),** Stamp J. [1966] 1 W.L.R. 841.

——————————Covenant for protection of "adjoining or neighbouring land . . . lately part of . . . estate"—Sales of parts of estate prior to and after conveyance—Whether covenant validly annexed to any land—Whether void for uncertainty—Whether annexed to whole or to each and every part.
In re **Selwyn's Conveyance,** Goff J. [1967] Ch. 674; [1967] 2 W.L.R. 647.

——————————Covenants taken for the benefit of "the vendor's adjoining and neighbouring land"—Whether thereby annexed to each and every part of the land retained by the vendor—Whether purchasers of part of the land retained entitled to enforce the covenants.
Russell v. Archdale, Buckley J. [1964] Ch. 38; [1962] 3 W.L.R. 192.

RESTRICTIVE COVENANT—*continued.*

Enforceability—*continued.*

Annexation—continued.

Express assignment—Land conveyed and subject to covenant for benefit of vendor's adjoining property—Covenant not expressed to be for benefit of each and every part of that land—Express assignment of benefit on conveyance of whole of such land—Subsequent conveyance away by that purchaser of part of the land benefited—Breach of covenant by successor in title of original covenantor—Whether covenant enforceable by purchaser

Stilwell v. Blackman, Ungoed-Thomas J. [1968] Ch. 508; [1967] 3 W.L.R. 1397.

Jurisdiction to determine

Declaration under Law of Property Act, 1925, s. 84—Original covenantor still owner of burdened land—Application by intending purchaser from original covenantor for declaration that covenant not enforceable—Whether a future question—Law of Property Act, 1925, s. 84 (2)—R.S.C. (Rev. 1965), Ord. 5, r. 4.

In re **Gadd's Land Transfer,** Buckley J. [1966] Ch. 56; [1965] 3 W.L.R. 325.

Owner of site of right of way, by

Covenants restricting building on and user of land having right of way over road—Benefit of covenant assigned to owner of road—Contemplated breach increasing traffic over road—Whether sufficient benefit to entitle owner of road to enforce covenants.

In re **Gadd's Land Transfer,** Buckley J. [1966] Ch. 56; [1965] 3 W.L.R. 325.

Purchase from common vendor

Common covenants by purchasers—Intention that purchasers should have rights inter se—Mutual conveyances but no deed of mutual covenant—Purchaser with notice desired to build—Whether building scheme intended—Whether covenants enforceable by successors in title to original purchasers.

In re **Dolphin's Conveyance,** Stamp J. [1970] Ch. 654; [1970] 3 W.L.R. 31.

————————————Reservation by vendor to sell retained land free from restriction—Area developed—Purchaser intending to build—Section 84 application to clear title—Objections—Whether building scheme intended—Law of Property Act, 1925, s. 84 (2) (*a*). *In re* **Wembley Park Estate Co. Ltd.'s Transfer,** Goff J. [1968] Ch. 491; [1968] 2 W.L.R. 500.

Common covenants by purchasers for benefit of all lots intended to be sold—Whether building scheme intended—Whether injunction appropriate remedy.

Eagling v. Gardner, Ungoed-Thomas J. [1970] 2 All E.R. 838.

Covenant by purchaser not to build more than one house on any one plot—Later sale of five plots subject to covenant—Scheme of development—Enforceability of covenant by sub-purchasers of plots inter se.

Brunner v. Greenslade, Megarry J. [1970] 3 W.L.R. 891.

Intention that purchasers should have rights inter se—Indenture setting out covenants executed by every "person who shall be or become a purchaser . . ." on behalf of themselves, their respective heirs and assigns and all persons claiming under them respectively—Land not laid out in plots—Whether covenants enforceable by successors in title to original purchasers.

Baxter v. Four Oaks Properties Ltd., Cross J. [1965] Ch. 816; [1965] 2 W.L.R. 1115.

Registration

Covenant in lease restricting lessor's use of his adjoining land—Lessee's grant of underlease—Assignment—Purchase of freehold reversion and adjoining land by plaintiff company—Whether covenants as between lessor and lessee capable of registration—Whether, in default of registration, void as against plaintiff company as purchaser—Land Charges Act, 1925, ss. 10, 13 (2).

Dartstone Ltd. v. Cleveland Petroleum Co. Ltd., Pennycuick J. [1969] 1 W.L.R. 1807.

Successors in title

Covenant between vendor and purchaser—Not to "cause or permit" use of land for unauthorised purposes—Purchaser's covenant not to use land otherwise than for horse racing and agriculture during vendor's lifetime—Purchaser not to be bound after parting with interest in land—Executed agreement to sell land to development company—Knowledge of company's intention to use land for housing purposes—Whether conveyance to development company breach of purchaser's obligations to vendor—Whether a threat by purchaser to break covenant—Whether conveyance would "cause or permit" breach of purchaser's covenant with vendor—"Permit"—Whether vendor entitled to injunction. **Sefton v. Tophams Ltd.,** Stamp J. [1965] Ch. 1140; [1964] 1 W.L.R. 1408.
C.A. [1965] Ch. 1140; [1965] 3 W.L.R. 523.
H.L.(E.) [1967] 1 A.C. 50; [1966] 2 W.L.R. 814.

Underlease

Covenants in restraint of trade contained in underlease of garage premises—Assignee of underlease undertaking to observe and perform restrictive covenants—Whether entitled to ignore covenants in reliance on doctrine of restraint of trade.

Cleveland Petroleum Co. Ltd. v. Dartstone Ltd., C.A. [1969] 1 W.L.R. 116.

RESTRICTIVE COVENANT—*continued.*

Land, whether binding

Covenant not to use land for non-agricultural purposes

Sale of part of agricultural estate—Land benefited not identified in conveyance—Whether vendor entitled to benefit of covenant—Whether land burdened by covenant.
Marten v. Flight Refuelling Ltd., Wilberforce J. [1962] Ch. 115; [1961] 2 W.L.R. 1018.

Covenant "to procure" non-user

No express provision that covenant not made by vendor on behalf of successors and assigns—Whether personally binding on assignee of vendor—Whether "contrary intention" expressed—Law of Property Act, 1925, s. 79 (1).
In re **Royal Victoria Pavilion, Ramsgate,** Pennycuick J. [1961] Ch. 581; [1961] 3 W.L.R. 491.

Positive covenant

Boundary fence—Obligation to repair.
Jones v. Price, C.A. [1965] 2 Q.B. 618; [1965] 3 W.L.R. 296.

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Modification

Jurisdiction of court

Discretion to refuse application for modification—Application within two years of covenant—Covenant by purchaser of land with vendor not to erect any building whatsoever and to use land as private garden only—Planning permission granted to covenantor to build bungalow—Objection by covenantee on moral grounds—No evidence of potential injury to persons entitled to benefit if covenant released—No change in character of property—Refusal of lands tribunal to modify—Whether a proper exercise of discretion—Whether sanctity of contract to prevail—Law of Property Act, 1925, s. 84 (1). **Cresswell v. Proctor,** C.A. [1968] 1 W.L.R. 906.

Long lease—Covenant to use as a single dwelling-house—Licence in 1950 by assigns of original parties—Permission to convert into three maisonettes—Temporary use as five flats granted—Lessee's application to modify covenant to permit five-flat user—Exercise of discretion—Law of Property Act, 1925, s. 84 (1).
Ridley v. Taylor, C.A. [1965] 1 W.L.R. 611.

National Trust, covenant with

Restriction on building—Grant of planning permission for house not impairing amenities—Application to modify covenant—Discretion of Lands Tribunal—Whether proposed modification injury to covenantee—National Trust Act, 1937, s. 8—Law of Property Act, 1925, s. 84 (1) (*c*). **Gee v. The National Trust,** C.A. [1966] 1 W.L.R. 170.

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Modification

Action to enforce covenants—Application to stay proceedings and for leave to apply to Lands Tribunal—Terms on which stay to be ordered—Plaintiff to give cross-undertaking in damages—Law of Property Act, 1925, s. 84 (1) (9).
Hanning v. Gable Jeffreys Properties Ltd., Ungoed-Thomas J. [1965] 1 W.L.R. 1390.

Positive covenant

Land, whether running with

Compromise agreement between highway authority and frontagers relieving them of one third cost of street works in their admitting liability for remainder — Covenant to indemnify vendor against liability for street works.
Henshall v. Fogg, C.A. [1964] 1 W.L.R. 1127.

Sewer

Sewage authority

Sewer built by sewage authority under lease across and in bed of river—Covenant that would not interfere with flow of river—Whether annexed to any land or lessor—Whether to be treated as annexed to any land capable of being benefited.
Radstock Co-operative and Industrial Society Ltd. v. Norton-Radstock Urban District Council, C.A. [1968] Ch. 605; [1968] 2 W.L.R. 1214.

Variation

Jurisdiction of court

Housing—Conversion of dwelling-house—Housing Act, 1957, s. 165.
Josephine Trust Ltd. v. Champagne, C.A. [1963] 2 Q.B. 160; [1962] 3 W.L.R. 1077.

RESTRICTIVE PRACTICES. (*See also* RESTRAINT OF TRADE.)

Conditions as to resale price

Individual enforcement

Gift coupons kettles sold at list price—Gift coupons convertible into other goods handed to purchaser with kettles—Condition that coupon not to give rise to any legal obligation—Whether kettles alone or kettles with coupons sold at list price—Whether coupons part of consideration for kettles—Whether "those goods"—Whether breach of condition—Restrictive Trade Practices Act, 1956, s. 25 (1).
Bulpitt & Sons Ltd. v. S. Bellman & Sons Ltd., Ungoed-Thomas J. (1962) L.R. 3 R.P. 62.

RESTRICTIVE PRACTICES—*continued.*

Contempt of court. (*See also* **Costs**; CONTEMPT OF COURT.)

Breach of undertaking

Undertaking given by trade association on behalf of members—Undertaking not to give effect to agreement requiring notification of price below minimum price or make similar arrangement—Members' price notification scheme—Counsel's advice that scheme not in breach of undertakings—Notification by members under scheme through secretary to each other of provisional prices intended to be quoted—Moral obligation on members not to quote below lowest notified price without notifying secretary—Whether an "arrangement"—Whether obligation to give advance notification of proposed prices a restriction—Whether restriction "the like effect" is agreement—Whether non-contumacious breach of undertaking a contempt—Whether legal advice a defence to charge of contempt—Lack of concern and supervision by higher management of companies—Whether contempt of court—Penalty—Proposition of fines—Restrictive Trade Practices Act, 1956, s. 6 (1) (*a*) (3).
In re **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 49; [1966] 1 W.L.R. 1137.

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effect to price-fixing agreement or make similar arrangement—Members' price notification agreement—Advance notification of proposed price changes consistently given by members—Whether an "arrangement"—Private meetings on prices—Effect given to decisions reached at meetings—Meetings an arrangement in breach of undertakings—Whether contempt of court. *In re* **Galvanized Tank Manufacturers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 315; [1965] 1 W.L.R. 1074.

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Admitted breaches of undertaking—Evidence in mitigation of penalty—To be adduced on affidavit. *In re* **Galvanized Tank Manufacturers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 315; [1965] 1 W.L.R. 1074.

Costs

Contempt of court

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"Unreasonable conduct"

Plea of injury to feet by ill-fitting footwear—Registrar's failure to admit—Medical evidence required to be called—Registrar penalised in costs—Restrictive Practices Court Rules, 1957, rr. 76, 77—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 37.
In re **Footwear Reference (No. 2),** R.P.Ct.(E. & W.) [1968] 1 W.L.R. 1355.

Direction of Board of Trade to remove from register

Validity

Restrictions of no substantial economic significance—Agreement containing recommendations as to prices and conditions of sale—Admission that price restrictions contrary to public interest—Declaration that contrary to public interest—Undertaking not to give effect to price restrictions—Direction by Board of Trade that recommendations on conditions of sale be removed from register—Removal of particulars from register—Validity of direction—Jurisdiction of court—Restrictive Trade Practices Act, 1956, ss. 12 (1), 20 (1) (3). *In re* **British Steel Founders' Association's Agreement,** R.P.Ct.(E. & W.) (1963) L.R. 3 R.P. 496; [1963] 1 W.L.R. 550.

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Proofs of witnesses

Objection to admission—Stage at which objection should be made.
Practice Note (Objections to Proofs), R.P.Ct. (1961) L.R. 2 R.P. 165.

Time for exchange—Contents—Omission of matters to which objection taken.
Practice Note (Exchange of Proofs), R.P.Ct. (1961) L.R. 2 R.P. 293.

Questionnaire to customers

Analysis of replies to questions—Whether questionnaire, replies and analysis admissible—Discretion of court—Restrictive Practices Court Rules, 1957, rr. 54, 55.
Practice Note (Questionnaire to Customers), R.P.Ct. (1961) L.R. 2 R.P. 168.

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Indisposition of—Form of evidence—Whether evidence given by affidavit—Whether taken on commission—Notice to other side—Agreement of form.
Practice Note (Evidence of Indisposed Witness), R.P.Ct. (1961) L.R. 2 R.P. 167.

Injunction

Agreement to "like effect"

Whether jurisdiction to restrain new agreement—Restriction on supply to large users in old agreement condemned—Whether restriction in new agreement "to the like effect"—Restrictive Trade Practices Act, 1956, s. 20 (3) (*a*) (*b*).
In re **Black Bolt and Nut Association's Agreement (No. 2),**
R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 433; [1961] 1 W.L.R. 1139.
C.A. (1961) L.R. 3 R.P. 43; [1962] 1 W.L.R. 75.

RESTRICTIVE PRACTICES—*continued.*

Injunction—*continued.*

Procuring breach of contract

Trade association—Federation of retail newsagents—Officers' instruction to members to boycott national newspaper for one week—Whether "agreement" registrable and prima facie "deemed . . . contrary to the public interest"—Whether justifiable as "reasonably necessary to enable" negotiation of fair terms for acquiring goods from "any one person" controlling "preponderant part of trade or business of . . . supplying such goods"—Newspapers obtained from wholesalers and not from suppliers of goods controlling preponderant part of trade—"One person"—Whether embracing parent and wholly owned subsidiary companies—Whether restriction prima facie unlawful act—Restrictive Trade Practices Act, 1956, s. 21 (1) (*d*).
Daily Mirror Newspapers Ltd. v. Gardner, C.A. [1968] 2 Q.B. 762; [1968] 2 W.L.R. 1239.

Service

Injunction against 2,000 members—Whether personal service required—Whether service by post—Recorded delivery service.
In re **Wholesale Confectioners' Alliance's Agreement (No. 2),** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 231; [1961] 1 W.L.R. 613.

Trade association

Federation of retail newsagents—Whether party to an agreement who "carr[ies] on business"—Proposed list of recognised selling points—Whether intention to restrict entry into trade—Whether Federation subject to injunction—Restrictive Trade Practices Act, 1956, s. 20 (3).
In re **Newspaper Proprietors' Association Ltd.'s and National Federation of Retail Newsagents, Booksellers and Stationers' Agreement,** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 453; [1961] 1 W.L.R. 1149.

Whether power of court limited to actual restrictions condemned—Whether trade association "party" to agreement—Whether "carrying on business in United Kingdom"—Restrictive Trade Practices Act, 1956, ss. 6 (1) (7), 20 (3) (4).
In re **Wholesale Confectioners' Alliance's Agreement (No. 2),** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 231; [1961] 1 W.L.R. 613.

Unregistered agreement

Agreement not registered for 10 years—No explanation offered to court—Whether injunction appropriate. *In re* **Aluminium Manufacturers' Agreement,** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 510.

Jurisdiction of Restrictive Practices Court

Agreement already determined

Subsequent reference by registrar—Restrictive Trade Practices Act, 1956, ss. 1 (2), 20 (1) (3) (5). *In re* **Newspaper Proprietors' Agreement,**
R.P.Ct.(E. & W.) (1962) L.R. 3 R.P. 81; [1962] 1 W.L.R. 328.
C.A. (1962) L.R. 3 R.P. 360; [1963] 1 W.L.R. 78.
H.L.(E.) (1964) L.R. 4 R.P. 361; [1964] 1 W.L.R. 31.

Agreement varied after reference

Plea that no registrable restrictions contained in agreement as varied—Registrar's plea that registrable restrictions contained in original agreement and in agreement as varied—Jurisdiction of Restrictive Practices Court to determine issues—Restrictive Trade Practices Act, 1956, ss. 13, 20 (1) (3).
In re **Scottish Master Monumental Sculptors' Association's Agreement,** R.P.Ct.(Sc.) (1965) L.R. 5 R.P. 437.

Registrar's application for discovery of documents—Object to ascertain whether arrangement between members not disclosed on face of agreement—"Agreement"—Restrictive Trade Practices Act, 1956, s. 20 (1).
In re **Crane Makers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 542.
C.A. (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 917.

Practice

Application to amplify judgment of court

Function of application—Application to amplify judgment by referring to documents adduced for court—Application to include witness' statement of respondent federation's policy—Whether competent to ask court to include evidence on which findings based—Whether statement of policy apparent from findings of court—Restrictive Practices Court Rules, 1957, r. 81 (as amended by Restrictive Practices Court (Amendment) Rules, 1962, r. 2). *In re* **National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (No. 4),** R.P.Ct.(E. & W.) [1970] 1 W.L.R. 792.

Whether to be made ex parte or inter partes—Whether interlocutory application—Restrictive Practices Court Rules, 1957, rr. 48, 81.
In re **National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (No. 4),** R.P.Ct.(E. & W.) [1970] 1 W.L.R. 792.

RESTRICTIVE PRACTICES—*continued.*

Practice—*continued.*

Body corporate, appearance by

Body corporate wishing to be heard in proceedings—Appearance not to be entered otherwise than by solicitor—Restrictive Practices Court Rules, 1957, r. 14—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 16.
Practice Direction (Restrictive Practices: Appearance by a Body Corporate), R.P.Ct. (1966) L.R. 6 R.P. 48; [1966] 1 W.L.R. 347.

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Whether parties entitled to declaratory judgment where no other relief sought—Whether discretionary. *In re* **Associated Transformer Manufacturers' Agreement (No. 2),** R.P.Ct.(E. & W.) [1970] 1 W.L.R. 1589.

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Discovery

" Agreement for the supply of goods "—Agreement by two companies for sale of citrus concentrates to a subsidiary company—Non-admission by registrar that written agreement contains whole of terms of " agreement "—Possibility of " arrangement " between parties not disclosed on face of written agreement—Registrar's application for discovery of documents relating to purpose for which agreement made—Whether other documents besides agreement relevant—Whether registrar entitled to see documents surrounding making of agreement—Whether to be disclosed—Scope of inquiry on application to High Court—Restrictive Trade Practices Act, 1956, ss. 8 (3), 13 (2)—R.S.C., Ord. 24, rr. 3, 8.
Schweppes Ltd. v. Registrar of Restrictive Trading Agreements,
Pennycuick J. (1964) L.R. 5 R.P. 23; [1964] 1 W.L.R. 803.
C.A. (1965) L.R. 5 R.P. 103; [1965] 1 W.L.R. 157.

Application for declaration that agreement not registrable—" Agreement for . . . a [patent] licence " — Mutual grant of patent licences — Non-admission by registrar that written agreement contains whole of terms of " agreement "—Possibility of " arrangement " between parties not disclosed on face of written agreement—Registrar's application for discovery of documents relating to purpose for which agreement made—Whether other documents besides agreement relevant — Whether registrar entitled to see documents surrounding making of agreement—Whether to be disclosed—Scope of inquiry on application to High Court—Restrictive Trade Practices Act, 1956, ss. 8 (4), 13 (2)—R.S.C., Ord. 24, rr. 3, 8. **Automatic Telephone & Electric Co. Ltd. v. Registrar of Restrictive Trading Agreements,** Pennycuick J. (1964) L.R. 5 R.P. 1; [1964] 1 W.L.R. 795.
C.A. (1965) L.R. 5 R.P. 135; [1965] 1 W.L.R. 174.

Documents relating to circumstances in which agreement made—Whether relevant—Whether to be disclosed. *In re* **Motor Vehicle Distribution Scheme Agreement,** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 173; [1961] 1 W.L.R. 92.

Variation of agreement after reference—Agreement requiring members to agree terms of certain tenders—Reference of agreement to court—Subsequent variation whereby members to agree consultative fee for tenders involving unusual amount of service—Source of consultative fee entirely within discretion of member obtaining order—" No arrangement . . . between members that any sum shall be added to . . . tender prices to cover . . . consultative fee "—Issue on pleadings whether registrable restrictions contained in agreement as varied—Non-admission by registrar that written agreement as varied containing whole of terms of " agreement "—Registrar's application for discovery of documents—Object to ascertain whether arrangement between members not disclosed on face of agreement—Jurisdiction of court—Whether restrictions in unregistered arrangement justiciable by court—Whether discovery proper—Whether necessary—Duty of court—Restrictive Trade Practices Act, 1956, s. 20 (1)—Restrictive Practices Court Rules, 1957, r. 41.
In re **Crane Makers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 542.
C.A. (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 917.

Examination before judge on oath

Registrar's power of interrogation—Registrar's belief in possibility of agreement between three wholesalers—Two of three wholesalers limited companies—Service of statutory notices by registrar demanding information — Denial of agreement by wholesalers — Application by registrar to examine wholesalers on oath—Delay in making of application—Application to examine branch managers of companies—Whether branch manager " manager " or " officer " of company—Whether " reasonable cause " for registrar's belief—Whether oppressive to interrogate after delay—Restrictive Trade Practices Act, 1956, ss. 14 (1), 15 (1) (3).
Registrar of Restrictive Trading Agreements v. W. H. Smith & Son Ltd.,
Cross J. (1968) L.R. 6 R.P. 532; [1968] 1 W.L.R. 1541.
C.A. [1969] 1 W.L.R. 1460.

RESTRICTIVE PRACTICES—*continued.*

Practice—*continued.*

Injunction

Restriction declared contrary to public interest—No undertaking offered by respondents —Whether injunction should be granted—Restrictive Trade Practices Act, 1956, s. 20 (3). *In re* **Bolt and Nut Stockholders' Association's Agreement,** R.P.Ct. (E. & W.) (1966) L.R. 6 R.P. 126.

————————Undertakings offered by respondents—Agreement unregistered for 10 years—No explanation offered for failure to register—Adjournment not sought for that purpose—Whether undertakings should be accepted—Whether proper case for injunction—Restrictive Trade Practices Act, 1956, s. 20 (3). *In re* **Aluminium Manufacturers' Agreement,** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 510.

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Amendment to statement of case—Amendment agreed after summons for directions—Whether necessity for separate application to court—Restrictive Practices Court Rules, 1957, rr. 27 (*a*), 37. *In re* **Reinforcement Conference Members' Application,** R.P.Ct.(E. & W.) (1960) L.R. 2 R.P. 131; [1961] 1 W.L.R. 1007.

Application to treat document as particulars of registration—Application for injunction on basis of "wilful default" to register—Proceedings commenced by originating summons—Whether pleadings appropriate—Whether affidavit in support of summons to be treated as pleading—Whether particulars to be given—Restrictive Trade Practices Act, 1956, s. 18 (1) (2)—R.S.C., Ord. 105, r. 1.
Registrar of Restrictive Trading Agreements v. Schweppes Ltd., Ungoed-Thomas J. (1967) L.R. 6 R.P. 486.

Evidence of facts in foreign countries—Desirability of pleading issue intended to be raised. *In re* **Chocolate and Sugar Confectionery Reference (Foreign Evidence),** R.P.Ct.(E. & W.) [1967] 1 W.L.R. 1129.

Specific restrictions pleaded in statement of case—General restrictions not pleaded—Order of court declaring restrictions contrary to public interest—Necessity to plead general restriction.
In re **National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (No. 2),** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 518.

Reference

Restrictions pleaded in statement of case—Justification sought for only one restriction—Hearing on preliminary point of law—Restriction condemned—Allegation by registrar of general restriction not pleaded—Application for final order declaring restrictions contrary to public interest—Whether general restriction to be included—Whether pleadings to be amended.
In re **National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (No. 2),** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 518.

Termination of agreement — Subsequent reference — No statement of case delivered — Representation order — Undertaking by representative respondent — Order that restrictions contrary to public interest.
Linoleum Manufacturers' Association v. Registrar of Restrictive Trading Agreements (Note), R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 229.

Resale price maintenance

Proceedings under Resale Prices Act, 1964—Persons wishing to be represented—Affidavit evidence of interest—Affidavit to be filed seven days before preliminary application for directions—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 8, 9, 29.
Practice Direction (Resale Prices: Evidence of Interest), R.P.Ct. (1966) L.R. 6 R.P. 47; [1966] 1 W.L.R. 346.

Restriction of no substantial economic significance

Agreement containing price-fixing restrictions and subscription restriction—Admission that price-fixing restrictions contrary to public interest—Declaration that price-fixing restrictions contrary to public interest—Undertaking not to give effect to price-fixing restrictions—Subscription of members based on turnover—Registrar's proposal to recommend to Board of Trade subscription restriction of no substantial economic significance—Whether appropriate to adjourn consideration of subscription restriction—Restrictive Trade Practices Act, 1956, s. 12 (1). *In re* **British Mantle Manufacturers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 464.

Summary application for final order

Respondents' intimation that proceedings not to be contested—Registrar's application for final order condemning agreement—Respondents' non-admission that agreement contrary to public interest—Whether respondents notified registrar that "willing to submit to . . . declaration that restrictions . . . are contrary to the public interest"—Whether registrar's application proper—Restrictive Practices Court Rules, 1957, r. 64A—Restrictive Practices Court (Amendment) Rules, 1965, r. 14.
In re **Coventry Newspapers Ltd.'s Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 230; [1965] 1 W.L.R. 597.

RESTRICTIVE PRACTICES—*continued.*

Practice—*continued.*

Trial

Agreement similar to agreement upheld by court on prior reference—No answer filed by registrar—No dispute by registrar as to respondents' case—Procedure for determination —Hearing of reference on formal affidavit evidence—Restrictive Practices Court Rules, 1957, rr. 49, 53, 52, 63.
In re **Net Book Agreement, 1957 (No. 2),** R.P.Ct.(E. & W.) (1964) L.R. 4 R.P. 484.

Examination before judge on oath—Application for examination by registrar—Allegation of possibility of agreement between wholesalers—Denial of allegation in affidavits sworn in answer—Whether leave to cross-examine on affidavits—Weight attributable to denial —Restrictive Trade Practices Act, 1956, s. 15 (1)—R.S.C. (Rev. 1965), Ord. 105, r. 5 (1).
Registrar of Restrictive Trading Agreements v. W. H. Smith & Son Ltd., Cross J. (1968) L.R. 6 R.P. 532; [1968] 1 W.L.R. 1541.

Expense and duration of—Methods of reducing.
In re **Locked Coil Ropemakers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 146; [1965] 1 W.L.R. 121.

Indisposition of witness — Whether evidence may be given by affidavit — Discretion of court—Restrictive Practices Court Rules, r. 53.
Practice Note (Evidence of Indisposed Witness), R.P.Ct. (1961) L.R. 2 R.P. 167.

Issues at—Desirability of succinct summary in agreed document at hearing.
In re **Distant Water Vessels Development Scheme,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 242; [1967] 1 W.L.R. 203.

Undertaking

Form—Assurances given to court during hearing of reference—Decision influenced by assurances—Form of final order—Assurances incorporated into order as undertakings—Form of undertakings—Registrar's request to see books and accounts of members—Whether justifiable request—Restrictive Trade Practices Act, 1957, s. 22 (4).
In re **Permanent Magnet Association's Agreement (No. 2),** R.P.Ct.(E. & W.) (1962) L.R. 3 R.P. 392; [1963] 1 W.L.R. 63.

———Undertaking by members not to give effect to or enforce agreement—" Whether by themselves, their servants or agents or otherwise "—Whether words " or otherwise " appropriate—Whether otiose—Whether to be included in undertaking.
In re **Association of Marine Traders' Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 225.

———Undertaking by respondents not to give effect to or enforce agreement or make any other agreement to like effect—" So that these undertakings shall not operate to preclude " respondents from making agreement in terms of new draft agreement—Whether proper qualification—Undertaking not without further order to make any other agreement or arrangement to like effect—Whether appropriate modification—Power of court to release or modify undertaking on further application.
In re **Large Turbine Price Agreement (Home),** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 501.

Undertaking offered by representative respondent — Express authority from represented respondents to give undertaking—Whether undertaking binding—Form of undertaking —Service of order of court. *In re* **Heat Treated Bolt Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 218.

Undertakings not to give effect to agreement or make similar arrangement—Subsequent report of working party—Acceptance of report by Government—Applications by trade associations for leave to implement recommendations in report—Whether conflict between recommendations and undertakings to court—Whether leave required to implement recommendations—Whether, if required, leave should be granted.
In re **British Paper and Board Makers' Association's Agreement and British Waste Paper Association's Agreement (No. 2),** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 161; [1966] 1 W.L.R. 1467.

Undertaking not to reintroduce restrictions

New restriction—Undertaking to court not to bring into force new agreement without prior notice to registrar—Desire of trade association to make new recommendation—Registrar willing to represent to Board of Trade new recommendation of no substantial economic significance—Application for release from undertaking to extent necessary to make new recommendations. *In re* **Yarn Spinners' Agreement (No. 2),** R.P.Ct.(E. & W.) (1960) L.R. 2 R.P. 103; [1961] 1 W.L.R. 64.

RESTRICTIVE PRACTICES—*continued.*

Registration

Agreements registrable. (*See also* **Practice** (*Discovery*).)

"Arrangement"—Common form agreement discussed by steel manufacturers—Identical agreements made with subsidiary—Agreements executed as result of each manufacturer's independent commercial judgment—Expectation of each that other manufacturer would also execute agreements—Whether registrable "arrangement"—Subsidiary established by steel manufacturers to market fertilisers—Subsidiary required to purchase from manufacturers in equal quantities—Whether agreement imposes restriction on subsidiary—Restrictive Trade Practices Act, 1956, s. 6 (1) (*c*) (*e*) (3).
British Basic Slag Ltd. v. Registrar of Restrictive Trading Agreements,
Cross J. (1962) L.R. 3 R.P. 178; [1962] 1 W.L.R. 986.
C.A. (1963) L.R. 4 R.P. 116; [1963] 1 W.L.R. 727.

———Practice of giving advance notice of proposed price changes under a price identification agreement. *In re* **Galvanized Tank Manufacturers' Association's Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 315; [1965] 1 W.L.R. 1074.

———Scheme permitting advance notice of provisional prices intended to be quoted to customers. *In re* **Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 49; [1966] 1 W.L.R. 1137.

Boycott—Recommendations not to distribute newspapers or periodicals—Policy of newsagents' federation to protect members' trade interests—Series of recommendation advising members not to order or deliver publications—Recommendations made in pursuance of federations' policy—Whether implied general recommendation not to acquire or supply newspapers or periodicals in disregard of boycott recommended by federation—Whether such recommendation "specific"—Whether recommendation in respect of unidentified class of goods "specific"—Whether registrable restriction—Whether recommendation to boycott single newspaper registrable—Restrictive Trade Practices Act, 1956, s. 6 (1) (*c*) (7). *In re* **National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (No. 3),** R.P.Ct.(E. & W.) [1969] 1 W.L.R. 875.

Lettering on gravestones—Minimum charges for lettering work—Work executed by incising or cutting in relief letters on memorial stones—Use of hand-operated hammer and chisel or machine tool—Letters painted or gilded or leaded—Majority of lettering carried out as addition to existing lettered memorials—Whether lettering "process of manufacture"—Whether registrable restriction—When new stone purchased by customer account or estimate showing price of stone separately from lettering—Only one account rendered for stone and lettering—Whether single transaction comprising stone and lettering—Whether lettered memorial the "goods"—Restrictive Trade Practices Act, 1956, s. 6 (1) (*d*).
In re **Scottish Master Monumental Sculptors' Association's Agreement,**
R.P.Ct.(Sc.) (1965) L.R. 5 R.P. 437.

Profit pooling scheme—Agreement by linoleum manufacturers to contribute to pool by levy on certain sales—Levy calculated by multiplying weighted average marginal cost by members' sales—Distribution of pool to members in fixed proportions—No payment required unless members' levy exceeded his share of the pool—Whether payment calculated "in respect of quantities of goods . . . exceeding any quantity specified in the agreement"—Restrictive Trade Practices Act, 1956, s. 6 (5).
Linoleum Manufacturers' Association v. Registrar of Restrictive Trading Agreements, Ungoed-Thomas J. (1963) L.R. 4 R.P. 156; [1963] 1 W.L.R. 897.

Telephone manufacturers—Restrictive trading agreement—Agreement between manufacturers and Postmaster-General—Orders to be placed with single manufacturer nominated by committee—Agreement immune from registration—Subsequent agreement between manufacturers—Regulation of procedure for carrying out agreement with Postmaster-General—Imposition of quota scheme—Whether subsequent agreement registrable—Proper time for determining relevant matters—Restrictive Trade Practices Act, 1956, ss. 6 (1) (*c*), 13 (2). *In re* **Telephone Apparatus Manufacturers' Application,**
Wilberforce J. (1962) L.R. 3 R.P. 98; [1962] 1 W.L.R. 596.
C.A. (1963) L.R. 3 R.P. 462; [1963] 1 W.L.R. 463.

Tenders—Agreement to delay submission of tenders until meeting of those invited to tender—Whether any restriction in respect of "the prices to be . . . quoted"—Whether agreement registrable—Restrictive Trade Practices Act, 1956, s. 6 (1) (*a*).
In re **Electrical Installations at the Exeter Hospital Agreement,**
R.P.Ct.(E. & W.) [1970] 1 W.L.R. 1391.

Representative respondent

Undertaking by

Express authority from each member—Whether binding on members—Restrictive Practices Court Rules, 1957, r. 11. *In re* **Heat Treated Bolt Association's Agreement,**
R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 218.

RESTRICTIVE PRACTICES—*continued.*

Resale price maintenance

Enforcement of resale price conditions

Goods bought from liquidator of company—Whether condition as to price enforceable—Whether liquidator person who " acquires " goods otherwise than for purpose of resale in course of business—Meaning of " acquire "—" Resale . . . pursuant to . . . order of . . . court "—Companies Act, 1948, s. 244—Restrictive Trade Practices Act, 1956, ss. 25 (2) (*a*) (*b*), 36 (1).
John Mackintosh & Sons Ltd. v. Baker's Bargain Stores (Seaford) Ltd., Browne J. (1965) L.R. 5 R.P. 305; [1965] 1 W.L.R. 1182.

Goods registered for exemption—Enforcement pending order of Restrictive Practices Court—Right of supplier to enforce conditions—Bulk purchases of new and secondhand stock by retailer—Form of injunction—Restrictive Trade Practices Act, 1956, s. 25—Resale Prices Act, 1964, s. 6. **E.M.I. Records Ltd. v. Morris,** Pennycuick J. (1965) L.R. 5 R.P. 254; [1965] 1 W.L.R. 989.

Exemption

Amendment of notice of reference—Cross-notice by registered supplier to amend notice of reference—Duty of party giving cross-notice to supply copy of relevant documents to court—Advertisement of notice of reference—Whether advertisement limited to amendment—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 11, 12 (*c*) (*d*).
In re **Knitting Machines, Sewing Machines and Related Classes of Goods Reference,** R.P.Ct.(E. & W.) (1966) L.R. 5 R.P. 472.

————————Drastic and substantial change in circumstances between notice of reference and hearing—Difficulty by registered suppliers in preparation of case—Whether proceedings should be delayed—Expeditious hearing of case—Duty of court. *In re* **Watches and Clocks Reference,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 115.

————————Inclusion of goods excluded from earlier reference—Advertisement of notice of reference—Whether need to re-advertise—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 12 (*d*).
In re **Electro-Thermic and Other Goods Reference,** R.P.Ct.(E. & W.) (1966) L.R. 5 R.P. 475.

————————Jurisdiction of Restrictive Practices Court—Power to amend notice of reference by exclusion or inclusion of goods—Whether exercisable only on preliminary application for directions—Whether after close of pleadings—Reference of clothing comprising 13 broad categories of clothing—Uncertainty whether facts and issues common to all 13 categories—Whether decision on amendment of reference should be deferred—Restrictive Practices Court Rules, 1957, rr. 27(*a*), 33, 36 (*a*)—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 12 (*c*), 17, 19, 20, 21.
In re **Bolt and Nut Stockholders' Association's Agreement,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 126.

Application for — Footwear — Nationally branded footwear — Registered suppliers price setters—Low retailers' margins—Competitive industry—Registered suppliers responsible for largest variety of fittings—Policy of two suppliers to withhold supplies from retailers providing no satisfactory customer service—Whether lawful ground for withholding supplies—Whether substantial and significant price cutting without fixed prices—Whether resulting dis-economies in manufacture and loss of services—Whether higher trade margins to retailers—Whether higher retail prices—Whether case for exemption made out—Resale Prices Act, 1964, ss. 2 (1) (4), 5 (2) (*a*) (*c*) (*d*) (*e*).
In re **Footwear Reference (No. 2),** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 398; [1968] 1 W.L.R. 1355.

————————Medicaments—Pharmaceutical industry—Ethical drugs supplied on prescription—Proprietary drugs supplied to public without prescription—Prompt delivery service provided by wholesalers—Wide range of ethical drugs stocked by wholesalers—Without resale price maintenance possibility of short range distributors stocking only fast moving ethical drugs—Whether supermarkets would capture part of chemists' trade in proprietary medicines—Whether substantial reductions in (i) varieties of ethical drugs available for sale; (ii) services provided in connection with sale of ethicals; (iii) chemists' shops; (iv) retail outlets for sale of proprietary drugs—Whether net detriment to public—" Sale by retail "—Meaning—Resale Prices Act, 1964, s. 5 (2).
In re **Medicaments Reference (No. 2),** R.P.Ct.(E. & W.) [1970] 1 W.L.R. 1339.

————————Onus of proof—Standard of proof—Confectionery—Confectionery shops quarter of retail outlets—Responsible for half confectionery turnover—Stocking wide variety of chocolates and sweets—Whether, if price cutting, drastic diversion of trade from confectionery shops to supermarkets—Whether substantial reduction in variety—Whether substantial reduction in retail outlets — Whether higher trade margins to remaining shops — Whether higher retail prices — Whether substantial reduction in " necessary services " provided by shops—Whether stocking, display and weighing out " necessary services "—Whether case for exemption made out—Resale Prices Act, 1964, s. 5 (2) (*a*) (*b*) (*c*) (*e*) (4). *In re* **Chocolate and Sugar Confectionery Reference,** R.P.Ct.(E. & W.) [1967] 1 W.L.R. 1175.

RESTRICTIVE PRACTICES—*continued.*

Resale price maintenance—*continued.*

Exemption—continued.

Classification of goods—" Convention on nomenclature for the classification of Goods in " Customs Tariffs "—Whether appropriate classification—Reference of footwear with inter soles of leather, composition leather, rubber or artificial plastic material—Foot-exercise sandals not distributed through normal channels of trade—Exclusion of foot-exercise sandals from reference—Registered suppliers only parties before court—Whether representation order unnecessary—Resale Prices Act, 1964, s. 8 (3) (*a*)—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 12. *In re* **Footwear Reference,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 351; [1965] 1 W.L.R. 1069.

——————Trade name—Whether classification by reference to Brussels nomenclature appropriate—Exclusion of reference to Brussels nomenclature from notice of reference—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 12 (*c*). *In re* **Rust-Oleum Reference,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 480.

Date of application for date for preliminary directions—Error in original advertisement of reference—Corrected advertisement—Application within 28 days of corrected advertisement—Whether time runs from original or from corrected advertisement—Whether application out of time—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 8, 9, 10. *In re* **Silverware, Silver Plate, Pewterware and Related Classes of Goods Reference,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 130.

Jurisdiction of Restrictive Practices Court—Power to exempt from general ban on resale price maintenance " goods of any class specified in . . . order "—Whether power to exempt a sub-class of the goods described in notice of reference—Resale Prices Act, 1964, s. 5 (1). *In re* **Footwear Reference,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 351; [1965] 1 W.L.R. 1069.

Practice—Preliminary application for directions—Notice of—Foreign supplier of preliminary application for directions — Notice served on solicitors instructed to accept service of proceedings—Whether good service on foreign supplier—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 10, 14—Restrictive Practices Court Rules, 1957, r. 82. *In re* **Whipping Agents (Bakery, Confectionery and Catering Trades) Reference,** R.P.Ct.(E. & W.) (1966) L.R. 5 R.P. 483.

————Summary application for final order—Address given by registered supplier on application for registration Whether address for service of summary application for final order—Application for final order in default of appearance—Non-appearance proved by court records—Form of affidavit in support of summary application—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 22. *In re* **Seeds and Compound Fertilisers,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 486.

————————————Date of application—Application not less than 28 days after time limited for appearance—Notice of application less than 28 days after time limited for appearance—Hearing of application more than 28 days after time limited for appearance—" Application," when made—Whether application premature—Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 22, 23 (*a*). *In re* **Vacuum Flasks Reference,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 491.

Practice

Application for further directions—Further directions after exchange of proofs and before hearing—Disposal of preliminary matters arising on exchange of proofs—Settlement of issues—Procedure to be followed—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 19. *In re* **Footwear Reference (Practice Note: Application for Further Directions),** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 394.

Division of reference—Medicaments—Pharmaceutical industry—Ethical drugs supplied on prescription and not advertised to public—Proprietary drugs advertised to public and sold to public without prescription—Single reference of all medicaments—Application to exclude ethical drugs from reference and have separate reference of them—Whether distinction between ethical and proprietary medicaments practical—Whether more convenient to have separate reference. *In re* **Medicaments Reference,** R.P.Ct.(E. & W.) (1968) L.R. 7 R.P. 1.

Evidence—Proceedings under Resale Prices Act, 1964—Foreign evidence—Application for exemption of chocolates and sugar confectionery—Table of foreign consumption of chocolates and sugar confectionery—Table of foreign prices—Whether admissible—Whether of sufficient relevance and weight—Discretion of the court—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 17—Restrictive Practices Court Rules, 1957, r. 55. *In re* **Chocolate and Sugar Confectionery Reference (Foreign Evidence),** R.P.Ct.(E. & W.) [1967] 1 W.L.R. 1129.

Preliminary application for directions—Adjournment of, with liberty to restore—Purpose of adjournment to enable application for representation order if desired—Preliminary application restored to apply for amendment of notice of reference by deletion of one class of goods—Whether proper procedure—Application to extend time for delivery of statement of case—Restrictive Practices Court (Resale Prices), Rules, 1965, rr. 12 (*c*), 31 (*b*). *In re* **Watches and Clocks Reference,** R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 115.

RESTRICTIVE PRACTICES—*continued.*

Resale price maintenance—*continued.*

Practice—continued.

Preliminary point of law—Application to determine a preliminary point whether supply of medicaments on national health service prescription is sale by retail—Pleadings not yet delivered—Whether more appropriate to defer matter until after pleadings—Observations on utility of preliminary points in Restrictive Practices Court—Restrictive Practices Court Rules, 1957, r. 64—Restrictive Practices Court (Resale Prices) Rules, 1965, r. 17. *In re* **Medicaments Reference,** R.P.Ct.(E. & W.) (1968) L.R. 7 R.P. 1.

Trial—Application for exemption by registered suppliers—Order for directions fixing date of hearing—Subsequent abandonment of application by registered suppliers—Procedure to be followed — Whether summary application for final order necessary — Order for directions varied by advancing date of hearing — Reference uncontested — Restrictive Practices Court (Resale Prices) Rules, 1965, rr. 24, 25.
In re **Weighing Machinery Reference,** R.P.Ct.(E. & W.) (1968) L.R. 6 R.P. 481.

Withholding supplies

Presumption that supplies withheld by supplier because of price cutting by dealer—Whether supplier entitled to show other grounds for withholding supplies—Resale Prices Act, 1964, ss. 2 (4), 4 (4).
Oxford Printing Co. Ltd. v. Letraset Ltd., Plowman J. [1970] 2 All E.R. 815.

Restriction

Commission

Conditions of contract—Hire-purchase finance industry—Motor Vehicle Code—Maximum commission to motor dealer introducing hire-purchase business—Minimum down payment and maximum repayment period for hirers of vehicles on hire-purchase—Instability of Motor Vehicle Code—Absence of " rate-consciousness " among hirers—Statutory control of minimum down payments and maximum repayment periods—Whether " commission war " without restrictions—Whether rates of commission and interest charges would rise—Whether hirers without restrictions would enter into imprudent contracts—Whether benefits or advantages conferred by restrictions — Whether any benefit conferred by restrictions " substantial "—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*).
In re **Finance Houses Association Ltd.'s Agreement,**
R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 366; [1965] 1 W.L.R. 1419.

Conditions of contract

Building industry—Recommendation to use standard forms of contract—R.I.B.A. forms—Subsequent recommendations to press for use of standard forms whenever appropriate—Restriction on submission of tenders when no bills of quantities supplied—Restriction on submission of priced schedules with tenders—Recommendation of charges for day work—Subsequent recommendation of charges in absence of agreement with building owner—Whether registrable restrictions—Standard forms and bills of quantities useful documents—Use not dependent on recommendation—Whether benefits or advantage conferred on public—Restrictive Trade Practices Act, 1956, ss. 6 (1) (3) (7), 21 (1) (*b*).
In re **Birmingham Association of Building Trades Employers' Agreement,**
R.P.Ct.(E. & W.) (1963) L.R. 4 R.P. 54; [1963] 1 W.L.R. 484.

Descriptions of goods

Price restrictions terminated—Waste paper trade—Schedule of descriptions—Definitions of goods set out in schedule—Agreement between paper merchants and mills—Agreement to incorporate definitions in schedule unless otherwise provided in contract—Agreement not to buy contraries unless otherwise provided—Standardisation assisting sorting of grades—Careful selection and sorting required—" descriptions of goods to be . . . supplied "—Whether registrable restrictions—Whether benefits or advantages conferred on public by restrictions—Restrictive Trade Practices Act, 1956, ss. 6 (1) (*b*) (*c*), 21 (1) (*b*). *In re* **British Waste Paper Association's Agreement,** R.P.Ct.(E. & W.)
(1963) L.R. 4 R.P. 29; [1963] 1 W.L.R. 540.

Protection of designs—Furniture trade—Machinery for investigation of complaints of design copying by members—Adjudication by committee of complaints of design copying by members—Provisions for disciplinary action and sanctions against members guilty of design copying—Whether registrable restrictions—Whether registrations related solely to conduct of members—Whether restrictions in respect of the " descriptions of goods " —Restrictive Trade Practices Act, 1956, s. 6 (1) (*c*).
In re **British Furniture Manufacturers' Federated Associations' Agreement,**
R.P.Ct.(E. & W.) (1966) L.R. 6 R.P. 185; [1966] 1 W.L.R. 1614.

Distribution restriction

Newspaper distribution—Restriction on newsagents—Permits for entrants to newsagency trade—Whether substantially more newsagents without restrictions—Whether delivery service in jeopardy—Whether more stringent control on entry without restrictions—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*).
In re **Newspaper Proprietors' Association Ltd.'s and National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement,** R.P.Ct.(E. & W.)
(1961) L.R. 2 R.P. 453; [1961] 1 W.L.R. 1149.

RESTRICTIVE PRACTICES—*continued.*

Restriction—*continued.*

Distribution restriction—continued.

Newspapers—Recommendation not to distribute national newspaper for one week—National daily newspaper with highest circulation—Recommended selling price of newspaper increased by 1d. per copy—Wholesalers' discount reduced by one per cent.—Newsagents fearful of reduction in their margins—Newspapers' refusal to negotiate with newsagents' federation—Newsagents' gross profits increased by reason of higher retail price despite reduced margins and decreased sales—Whether recommendation to boycott newspaper registrable—Whether newspaper a "class of goods"—Whether restriction reasonably necessary to secure "fair terms" from publisher for newsagents—Whether terms proposed for newsagents unfair—Whether publisher of newspapers preponderant supplier of goods—Restrictive Trade Practices Act, 1956, ss. 6 (1) (*c*) (7), 21 (1) (*d*).

In re **National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 3),** R.P.Ct.(E. & W.) [1969] 1 W.L.R. 875.

Periodicals—Recommendation not to distribute periodical except on trade terms—Periodical comprising illustrated fiction with simple captions intended for teenagers—whether restriction reasonably necessary to secure "fair terms" from publisher for newsagents—Whether a single periodical "goods"—Whether production of periodical a separate and distinct business of publisher—Whether a commercially sensible segregation of goods—Restrictive Trade Practices Act, 1956, s. 21 (1) (*d*).

In re **National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement,** R.P.Ct.(E. & W.) (1965) L.R. 5 R.P. 236; [1965] 1 W.L.R. 826.

Tyre trade—Restriction on supply of replacement tyres on trade terms—Tyres supplied only to traders on register—Qualifications required for registration—Road accidents likely if tyres incorrectly fitted or wrong tyres fitted—Public incompetent to fit tyres—Public well accustomed to free fitting of tyres—Competitive buyers' market of—Whether restriction "reasonably necessary" for the protection of public—Restrictive Trade Practices Act, 1956, s. 21 (1) (*a*). *In re* **Tyre Trade Register Agreement,** R.P.Ct.(E. & W.) (1963) L.R. 3 R.P. 404; [1963] 1 W.L.R. 367.

Price lists

Agreement to observe prices fixed by federation—Fixed prices published in price lists—Whether price lists a restriction—Agreement amended to require members to observe prices fixed by federation's director—New prices not contained in price lists—Termination of agreement—Undertaking not to observe prices fixed by director—Whether registrar entitled to injunction in relation to price lists—Desirability of pleading alleged restrictions. *In re* **Lead Sheet and Pipe Manufacturers' Federation Agreement,** R.P.Ct.(E. & W.) (1962) L.R. 3 R.P. 71.

Price restriction

Black bolt and nut industry—Original agreement fixing prices for ordinary users and minimum prices for large users—Ordinary user restriction approved—Large user restriction condemned—New agreement subjecting large users to fixed prices applicable to ordinary users—Reduction in fixed prices permissible if commensurate with special savings in costs—Notification to secretary by members reducing prices of facts relating thereto—Immediate transmission by secretary of information received to other interested members—Whether new large user restriction reasonably required to maintain approved ordinary user restriction—"Reasonably required"—Whether immediate transmission by secretary of information received to other members reasonable—Whether restrictions reasonable—Restrictive Trade Practices Act, 1956, s. 21 (1) (*g*).

In re **Black Bolt and Nut Association's Agreement (No. 3),** R.P.Ct.(E. & W.) (1965) L.R. 6 R.P. 1; [1966] 1 W.L.R. 93.

Bottle industry—Minimum prices for glass bottles—Continuous process industry—Seasonal fluctuations in demand—Capacity fully employed—Minimum prices reasonable—Whether "price war" without restrictions—Whether benefits or advantages conferred on public by restrictions—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*).

In re **British Bottle Association's Agreement,** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 345; [1961] 1 W.L.R. 760.

Cement industry—Common price scheme and marketing arrangements—Price structure founded on "base points" and delivery distances—Deferred rebates to large users—Merchants' terms—Expanding industry—Seller's market—Low return on capital employed—Fixed prices reasonable—Whether overall prices substantially higher without scheme—Whether benefits or advantages conferred on public by restrictions—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*) (*g*).

In re **Cement Makers' Federation Agreement,** R.P.Ct.(E. & W.) (1961) L.R. 2 R.P. 241; [1961] 1 W.L.R. 581.

RESTRICTIVE PRACTICES—*continued.*

Restriction—*continued.*

Price restriction—continued.

Common buying pool—Sulphuric acid industry—Common delivered prices for imported acid sulphur bought from pool—No acid sulphur imported otherwise than through pool—Few suppliers of sulphur—American monopoly supplying nearly half of imports—Price increases demanded by monopoly when market trends towards lower prices—Whether restrictions reasonably necessary to secure fair terms from monopoly—Whether restrictions must be the best possible restrictions—" Preponderant "—" Fair terms "—Restrictive Trade Practices Act, 1956, s. 21 (1) (*d*) (*g*).
In re **National Sulphuric Acid Association's Agreement,** R.P.Ct.(E. & W.) (1963) L.R. 4 R.P. 169; [1963] 1 W.L.R. 848.

————————Restriction on acquisition of imported sulphur otherwise than through pool—American export monopoly supplying nearly half imports—Reference of agreement—American export monopoly preponderant supplier—Restrictions upheld as reasonably necessary to secure fair terms from export monopoly—Registrar's application to court to reconsider decision—Alleged material change in relevant circumstances—Whether previous finding of court may be re-opened—Cheaper sulphur resulting from pool-buying—Specific and substantial benefits conferred on public by restrictions—Agreement reaffirmed on different ground without prejudice to previous decision—Restrictive Trade Practices Act, 1956, ss. 21 (1) (*b*) (*c*) (*d*) (*g*), 22.
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Restriction—*continued.*
Price restriction—continued.

Quality—Fish—White fish industry—Minimum reserve prices at auctions of white fish landed from distant water vessels—Scheme in operation at Hull, Grimsby and Fleetwood —Quality control inspection scheme at Hull—Highly perishable product required to be sold immediately on landing—Wide and unpredictable fluctuation in supplies—Inelastic demand—Low profits of trawler-owners—Governmental subsidies to trawler-owners—Part of crews' wages given in form of share of proceeds of sale—Whether abolition of scheme would lead to substantial reduction in short-term prices—Whether resultant loss of revenue would lead to decrease in catching capacity—Whether decrease in catching capacity would lead to higher overall prices—Whether specific and substantial benefits conferred on public by restrictions—Whether restrictions reasonable—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*). *In re* **Distant Water Vessels Development Scheme,** R.P.Ct. (E. & W.) (1966) L.R. 6 R.P. 242; [1967] 1 W.L.R. 203.

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Restriction—*continued.*

Retail price maintenance

Book trade—Agreement by publishers to maintain retail prices—Net books not to be resold at less than net prices—Net price fixed by publisher—Highly competitive and speculative trade -Services to public provided by stockholding booksellers—Prevention of price cutting by other retailers—Maintenance of existing number of stockholding booksellers—Avoidance of reduction of orders and demand for higher discounts—Overall prices kept down—Publication of unpopular books dependent on a grant—Whether benefits or advantages conferred on public by restrictions—" Specific "—" Substantial " —Whether net books " any goods "—Whether benefits " enjoyed . . . by virtue of the restriction "—" Or of any arrangements or operations resulting therefrom "—Whether restrictions reasonable—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*) (*f*) (*g*).
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(1962) L.R. 3 R.P. 246; [1962] 1 W.L.R. 1347.

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Fixed prices for standard tiles—Price differential of 25 per cent. in favour of standard tiles — Massive standardisation of production — Consequential cost economies — Fixed prices reasonable—Exchange of detailed costing and technical information—Technical co-operation—Continuation of standardisation dependent on price restrictions—Whether benefits or advantages conferred on public by restrictions—Inability under restrictions to negotiate ex works prices—Arbitrary surcharge to Scottish customers—Whether restrictions reasonable—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*).
In re **Glazed and Floor Tile Home Trade Association's Agreement,**
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Agreement to " like effect "

Restriction on prices of large transformers in old agreement condemned—Prices fixed by manufacturers on basis of costings—Whether restriction in new agreement " to the like effect "—Prices fixed by manufacturers and chief customer on basis of previous competitive tenders—Restrictive Trade Practices Act, 1956, s. 20 (3) (*b*).
In re **Associated Transformer Manufacturers' Agreement (No. 2),**
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REVENUE

Capital gains tax

Computation

Whether consideration for acquisition adjusted for inflation—Finance Act, 1965, s. 22 (9), Sch. 6, para. 4. **Secretan v. Hart,** Buckley J. [1969] 1 W.L.R. 1599.

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Expenditure incurred in establishing title—Executors—Proportion of solicitors' fees attributable to obtaining probate—Valuation—Inventory—Expenses in paying estate duty—Resealing Scottish confirmation in London—Sale by executors—Finance Act, 1965, Sch. 6, para. 4. **Inland Revenue Comrs. v. Richards' Executors,** Ct. of Sess
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Rate of tax—Disposal by trustees or by beneficiaries—Infants entitled contingently on attaining 21—Whether absolutely entitled as against trustees but for being infants—Finance Act, 1965, ss. 20 (3), 21 (1), 22 (5).
Tomlinson v. Glyns Executor & Trustee Co.,
Cross J. [1970] Ch. 112; [1969] 2 W.L.R. 283.
C.A. [1970] Ch. 112; [1969] 3 W.L.R. 310.

Valuation of quoted securities

Price which shares might reasonably be expected to fetch on open market—Mid-market price of shares quoted on London Stock Exchange—Take-over negotiations not published or communicated to Stock Exchange—Whether " special circumstances "—Whether prices quoted on London Stock Exchange proper measure of market value—Finance Act, 1965, s. 44 (1) (2) (3).
Hinchcliffe v. Crabtree, Pennycuick J. [1970] Ch. 626; [1970] 2 W.L.R. 690.

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Conclusion of mixed fact and law

Conclusion unreasonable—Right of appellate court to interfere.
Crossland v. Hawkins, C.A. [1961] Ch. 537; [1961] 3 W.L.R. 202.

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Judicial discretion to entertain issue not considered in case stated—Decision of special commissioners in favour of Revenue on one of two contentions—Appeal by taxpayer—Dissatisfaction not expressed by Revenue on point lost—Subsequent notice of intention to raise point—Whether available—Income Tax Act, 1952, s. 64.
Muir v. Inland Revenue Comrs., Pennycuick J. [1966] 1 W.L.R. 251.
C.A. [1966] 1 W.L.R. 1269.

Corporation tax. *See* **Income tax; Profits tax.**

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Commonwealth preference

Canadian mustard seed sent to England via Rotterdam—Trans-shipment at Rotterdam—Whether goods "consigned to United Kingdom"—Effect of customs' notice—Import Duties Act, 1958, s. 2 (2).
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Rhodesian declaration of independence—Tobacco in transit—Whether "consigned" to United Kingdom—"For the time being"—Whether entitled to Commonwealth preference on removal from warehouse—Import Duties Act, 1958, ss. 2 (2) (3), 12 (1)—Customs and Excise Act, 1952, ss. 86 (4), 88 (1)—Southern Rhodesia (Withdrawal of Commonwealth Preference) Order, 1965, arts. 1, 2—Southern Rhodesia (Withdrawal of Commonwealth Preference) (No. 2) Order, 1965, art. 1. **Gallaher Ltd. v. Comrs. of Customs and Excise,**
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Exemption from duty

Vessel temporarily imported duty-free—Breach of customs regulations rendering vessel liable to forfeiture—Sale of vessel by order of Admiralty court—Right of Commissioners of Customs and Excise in rem against vessel and against proceeds of sale—Jurisdiction of court to grant declaration to that effect—Administration of Justice Act, 1956, s. 1.
The Skylark, Hewson J. [1965] P. 474; [1965] 3 W.L.R. 759.

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Fraudulent dealing with chargeable goods

Whether for defendant to prove goods not chargeable—Duty charged on impact uncollected under concession—Goods imported duty free for use of United States servicemen—Whether goods "chargeable"—"Dealing"—Customs and Excise Act, 1952, ss. 290 (2), 304—Finance Act, 1964, ss. 1, 3, 4.
Reg. v. Berry, C.A. [1969] 2 Q.B. 73; [1969] 2 W.L.R. 510.

"Goods . . . which are chargeable"

Concession agreement between governments—Duty charged on import uncollected under concession—No statutory exemption of concession agreement goods—Whether goods chargeable—Whether fraudulent dealing—Customs and Excise Act, 1952, ss. 290 (2), 304—Finance Act, 1964, ss. 1, 3, 4.
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Import deposit

Repayment—Whether option on Customs to repay payer or person named in entry statement as payer—Estoppel—Whether entry statement created contractual relationship between customs and importer—Whether importer or purchaser of goods "person by whom import deposit was paid"—Customs (Import Deposits) Act, 1968, s. 1 (1) (2).
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Mocatta J. [1970] 2 Lloyd's Rep. 176.

Interest

Delivery of imported goods on giving security for duty—Commissioners' subsequent notice of lesser sum due—Balance returnable to importer—Whether interest payable from giving of security or notice—Customs and Excise Act, 1952, ss. 255 (3), 260 (2).
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Pool betting duty

Football supporters' club—Money raised by weekly lotteries—Whether "bets" liable to duty—Meaning of "bet"—Finance (No. 2) Act, 1947, s. 6 (1) (2) (5) (6)—Finance Act, 1948, s. 14—Finance Act, 1950, s. 17 (1)—Finance Act, 1952, s. 4 (1) (5).
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Scheme to reduce liability—"Expenses and profits"—Persons "concerned with or benefiting from the promotion"—Activities "connected therewith"—Finance Act, 1964, s. 7 (2). **Comrs. of Customs and Excise v. Top Ten Promotions Ltd.,**
H.L.(E.) [1969] 1 W.L.R. 1163.

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Fraudulent evasion of—" Knowingly concerned in "—Whether necessity to know precise nature of goods—Reference to " smugglers " in summing-up—Whether a misdirection—Customs and Excise Act, 1952, s. 304.
Reg. v. Hussain, C.A. [1969] 2 Q.B. 567; [1969] 3 W.L.R. 134.

Prohibition or restriction on export of goods

Exportation without licence—Buying agent handing over antique goblet—Agent acting on owner's instructions—Knowledge of agent that goblet to be exported without licence—Goblet exported on following day—Whether agent " knowingly concerned in exportation . . . with intent to evade . . . prohibition "—Whether " concerned " limited to moment of exportation—Whether burden of negativing intent on defendant—Customs and Excise Act, 1952, ss. 56 (2), 79 (3), 290 (2)—Export of Goods (Control) Order, 1965, art. 1, Sch. 1, group 9. **Garrett v. Arthur Churchill (Glass) Ltd.,** D.C. [1970] 1 Q.B. 92; [1969] 3 W.L.R. 6.

Purchase tax

Demand for payment—Commissioners' authorisation to official—Assistant secretary authorised to make demands—Demand signed by chief executive officer—Chief executive officer not authorised to make demands—Whether demand ministerial act—Whether act of assistant secretary—Customs and Excise Act, 1952, s. 4 (1).
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Customs duty—Imported gifts—" Open market "—" Buyer "—" Seller "—Customs and Excise Act, 1952, s. 258, Sch. 6. **Salomon v. Comrs. of Customs and Excise,** Megaw J. [1967] 2 Q.B. 116; [1966] 3 W.L.R. 36.
C.A. [1967] 2 Q.B. 116; [1966] 3 W.L.R. 1223.

Estate duty

Aggregation

Settlement—Advance to remaindermen—Death of tenant for life leaving free estate of less than £10,000—Whether sums advanced to be aggregated with settled property—Finance Act, 1940, s. 43 (1)—Finance Act, 1954, s. 33 (1).
Dunn v. Inland Revenue Comrs., Wilberforce J. [1961] Ch. 453; [1961] 2 W.L.R. 769.

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Contribution

Absolute interest subject to two life interests—Duty on first death not paid by second life tenant—Whether duty a permissible deduction from estate of second life tenant—Whether a charge for estate duty—Whether charge on executors—Whether estate entitled to reimbursement from absolute remainderman or from capital of trust fund—Finance Act, 1894, ss. 7 (1) (*b*), 8 (4), 9 (6), 20 (2).
In re **Latham, decd.,** Wilberforce J. [1962] Ch. 616; [1961] 3 W.L.R. 1154.

Direction to pay out of trust income—Effect. *In re* **Rochford's Settlement Trusts,** Cross J. [1965] Ch. 111; [1964] 2 W.L.R. 1339.

" Property " not passing to executor—Contingent pecuniary legacies—Prior successive life interests—Testamentary direction that duty " to become on my death payable . . . be borne by . . . legatees . . ."—Whether legatees liable to contribute rateable part of estate duty in respect of deaths of testator and first life tenant—" Person entitled to any sum charged "—" Entitled "—" Sum charged "—" Person . . . authorised or required to pay . . . estate duty "—Finance Act, 1894, ss. 8 (4), 9 (1), 14 (1).
In re **Maryon-Wilson's Will Trusts,** Ungoed-Thomas J. [1968] Ch. 268; [1967] 3 W.L.R. 1476.

——————————Jointure—Power to appoint out of settled estates—Two deeds appointing jointures to future wife of tenant for life—Supplemental deed of appointment that jointures " be free of all death duties " –Whether jointress liable to contribute rateable part of estate exigible on death of tenant for life—Whether " express provision to the contrary "—Disposition under which jointure charged on settled estates—Finance Act, 1894, s. 14 (1).
In re **Paulet's Will Trusts,** Buckley J. [1969] 1 Ch. 552; [1967] 2 W.L.R. 930.

Testator's estate comprising real and personal property in Australia and personal property in England—English domicile—Duty on Australian property paid—Residue in England insufficient to pay estate duty—No testamentary direction varying incidence of duty—On what property liability to be thrown.
In re **Buesst's Will Trusts,** Pennycuick J. [1963] Ch. 419; [1963] 2 W.L.R. 265.

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Estate duty—*continued.*

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Will, under. *See* WILL (**Construction**: "*Free of duty*").

Gift inter vivos

Insurance policy—Covenant by deceased settlor to bring into existence endowment policy—payment of first premium under such covenant—Whether gift to beneficiaries under settlement of money or policy—Whether amount payable under policy to be aggregated for estate duty purposes—Customs and Inland Revenue Act, 1881, s. 38 (2) (as amended by Customs and Inland Revenue Act, 1889, s. 11)—Finance Act, 1894, ss. 2 (1) (*c*), 4 (as amended by Finance Act, 1950, s. 18).
Ralli Bros. Trustee Co. Ltd. v. Inland Revenue Comrs., Goff J. [1968] Ch. 215; [1967] 3 W.L.R. 1274.

Marriage settlement—Settlement made on marriage of settlor's daughter—Discretionary trusts for all the settlor's children—Death of settlor within five years—Whether settlement "made in consideration of marriage"—Finance Act, 1894, s. 2 (1) (*c*)—Finance (1909–10) Act, 1910, s. 59 (2).
Rennell v. Inland Revenue Comrs., C.A. [1962] Ch. 329; [1961] 3 W.L.R. 1322.
H.L.(E.) [1964] A.C. 173; [1963] 2 W.L.R. 745.

Rights to shares in British company given by person domiciled abroad to persons abroad—Whether property situate out of Great Britain—Whether locality of property determined at date of gift or date of death—Finance Act, 1894, s. 2 (1) (*c*)—Finance Act, 1949, s. 28 (2). *In re* **Kettle's Gift,** Plowman J. [1968] 1 W.L.R. 1459.

"*Interest in possession*"

Discretionary trust of all surplus income—Whether objects had "interest" and "interest in possession" to cease on death of beneficiary—Finance Act, 1940, s. 43 (as amended).
Sainsbury v. Inland Revenue Comrs., Ungoed-Thomas J. [1970] Ch. 712; [1969] 3 W.L.R. 760.

Settlement—Discretionary trust of income—Accumulation of surplus income to capital—On death of named member of discretionary class trust of capital and income to his children—Advancement to children 16 months before death—Whether discretionary objects had "interest in possession" before advancement—Whether an "interest limited to cease" on named member's death—Whether determined before advancement—Liability to estate duty—Whether interest in possession of measurable amount—Finance Act, 1894, ss. 1, 2 (1) (*b*), 7 (7)—Finance Act, 1940, s. 43 (as amended).
Gartside v. Inland Revenue Comrs., Ungoed-Thomas J. [1967] Ch. 543; [1966] 3 W.L.R. 759.
C.A. [1968] A.C. 553; [1967] 3 W.L.R. 671.
H.L.(E.) [1968] A.C. 553; [1968] 2 W.L.R. 277.

Practice

Determination of liability as to estate duty—Where procedure by originating summons inappropriate—Crown Proceedings Act, 1947, s. 14—R.S.C., Ord. 77, r. 8.
In re **Park, decd.,** Goff J. and C.A. [1970] 1 W.L.R. 626.

Property chargeable

Moveable property situate abroad—Testamentary disposition—Testator domiciled abroad—Trusts valid in country of domicile—Death of tenant for life domiciled in England—Whether "proper law regulating . . . disposition" foreign law—Whether property situate abroad exempt from estate duty—Finance Act, 1949, s. 28 (2).
In re **Levick's Will Trusts,** Plowman J. [1963] 1 W.L.R. 311.

Property passing on death

Annuity—Continuing annuity for named beneficiaries—Death of first annuitant—Duty, how assessed—Property "passing"—Whether benefit "accrued or arose" to the property by cesser of first annuitant's interest—Finance Act, 1894, ss. 1, 2 (1) (*b*), 7 (7).
In re **Harris's Will Trusts,** Buckley J. [1966] Ch. 475; [1966] 2 W.L.R. 608.

Discretionary trust of income distributable between two beneficiaries—Whole income to be distributed—Whether fund or any part thereof "passes" on death of one beneficiary—Liability to estate duty—Relationship between sections 1 and 2—Whether definition of "property passing on the death" exhaustive—Whether section 1 an effective charging section independently of section 2—Finance Act, 1894, ss. 1, 2 (1), 7 (7). *In re* **Weir's Settlement Trusts,** C.A. [1969] 3 W.L.R. 860.

Discretionary trust of income terminable on death of named member of discretionary class—Order under Variation of Trusts Act, 1958, extending period of discretionary trust during life of that member or 21 years whichever should be the longer—Death of that member within two years—Whether duty payable—Whether "interest limited to cease on a death . . . disposed of or . . . determined"—Finance Act, 1940, s. 43.
In re **Holmden's Settlement Trusts,** Pennycuick J. [1965] 1 W.L.R. 420.

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Property passing on death—continued.

Life insurance policy—Payments to begin only after death of life assured—Settlement of policy or proceeds—Finance Act, 1894, s. 2 (1) (*d*).
General Accident, Fire and Life Assurance Corpn. Ltd. v. Inland Revenue Comrs., Plowman J. [1963] 1 W.L.R. 421; C.A. [1963] 1 W.L.R. 1207.

————————Settlor's protected life interest—Power of appointment in favour of issue—Settled fund including policy on settlor's life—Trustees to hold policy or substituted policy and accumulations until maturity—Power of appointment over that part of fund represented by policy released by settlor—Whether settlor had protected life interest in policy or policy held for beneficiaries under referential trusts.
In re **Midwood's Settlement,** Goff J. [1968] Ch. 238; [1967] 3 W.L.R. 1014.

————————Single premium policies for benefit of wife if she survived assured for one month—Whether beneficial interest deemed to pass—Whether vested or contingent interest of wife until one month from assured's death—Whether defeasible interest vested in possesson—"Interest in expectancy"—Finance Act, 1894, ss. 2 (1) (*d*), 22 (1) (*j*) (*l*)—Finance Act, 1934, s. 28.
In re **Kilpatrick's Policies Trusts,** Cross J. and C.A. [1966] Ch. 730; [1966] 2 W.L.R. 1346.

Similar interest before and after death—During settlor's lifetime income to be applied for benefit of grandchildren and surplus to be accumulated as accretion to capital—At settlors' death trust fund to grandchildren—Settlor a trustee of settlement—Whether trust fund exempt from duty—Finance Act, 1894, ss. 1, 2 (1) (*b*) (3).
In re **Doughty's Settlement,** Ungoed-Thomas J. [1964] Ch. 89; [1963] 2 W.L.R. 1452. C.A. [1964] Ch. 105; [1963] 1 W.L.R. 1434.

————————————Life interest during joint lives of settlor and life tenant—Reversion to life tenant on surviving settlor—Resettlement by life tenant of life interest and reversion on himself for life—Whether beneficial interest accrues on death of settlor—"Beneficial interest"—Meaning—Finance Act, 1894, s. 2 (1) (*d*)—Finance Act, 1934, s. 28.
Morgan v. Inland Revenue Comrs., C.A. [1963] Ch. 438; [1963] 2 W.L.R. 416.

————————————Life interest with power to appoint to children and remoter issue—Irrevocable appointment of settled property in favour of grandsons in equal shares, subject to life interest—Assignment by grandsons of income of trust fund to life-tenant until specified date with intent that interest so assigned should merge with life interest in income to enlarge life interest into absolute interest until specified date or death of life-tenant, whichever later—Death of life-tenant before specified date—Whether assignment effective to create merger avoiding cesser of beneficial interest on death of life-tenant—Whether duty payable on value of income to specified date or on corpus of settled property—Finance Act, 1894, ss. 1, 2 (1) (*a*) (*b*), 22 (1) (*l*)—Finance Act, 1940, s. 43.
In re **Ralli's Settlement,** H.L. (E.) [1966] A.C. 483; [1966] 2 W.L.R. 119.

————————————Marriage settlement—Discretionary trusts in favour of a class—Class of beneficiaries before and after settlor's death almost identical—Finance Act, 1894, s. 1.
General Accident, Fire and Life Assurance Corpn. Ltd. v. Inland Revenue Comrs., Plowman J. [1963] 1 W.L.R. 421; C.A. [1963] 1 W.L.R. 1207.

————————————Property held on discretionary trusts for life—Deed of variation executed by reversioner for benefit of same discretionary class for life of mother or seven years, whichever longer—Whether new trust arose at death or on execution of deed of variation—Whether deed of variation effective to avoid cesser of interest on death of mother—Whether estate duty payable on "property passing" on death of life tenant—Finance Act, 1894, ss. 1, 2 (1) (*b*).
In re **Kirkwood,** Wilberforce J. [1964] Ch. 527; [1964] 2 W.L.R. 680, C.A. [1965] Ch. 286; [1964] 3 W.L.R. 1240. H.L. (E.) [1966] A.C. 520; [1966] 2 W.L.R. 520.

Tax benefit to spouse—Relief for wife's trading losses against her investment income—Spouses not assessed separately—Repayment made to husband—Whether sums repaid part of husband's estate passing on death—Income Tax Act, 1952, s. 354.
In re **Cameron, decd.,** Harman L.J. [1967] Ch. 1; [1966] 2 W.L.R. 243.

Trust—Discretionary trust of income distributable between two beneficiaries—Whole of income to be distributed—Whether fund or any part thereof "passed" on death of one beneficiary—Liability to estate duty—"Passing": scope of statutory definition—Finance Act, 1894, ss. 1, 2 (1), 7 (7).
In re **Weir's Settlement Trusts,** Cross J. [1969] 1 Ch. 657; [1968] 3 W.L.R. 1010.

REVENUE—*continued.*
Estate duty—*continued.*
Purchase of property

Annuity—Conditional on bequest by annuitant of assets to relatives—Whether assets passed by purchase on death—Whether dutiable as disposition deemed to be gift to relative—Finance Act, 1894, ss. 1, 2 (1) (*b*) (*c*), 3, 10 (3)—Finance Act, 1940, s. 44 (as amended by Finance Act, 1950, s. 46)—Finance Act, 1944, s. 40.
In re **Harmsworth, decd.,** Buckley J. [1967] Ch. 826; [1966] 3 W.L.R. 1077.
C.A. [1967] Ch. 826; [1967] 3 W.L.R. 152.

Repayment

Interest—Date for commencement.
In re **Harmsworth, decd.,** Buckley J. [1967] Ch. 826; [1966] 3 W.L.R. 1077.

Settlement

Discretionary trust of income terminable on death of named member of discretionary class —Order under Variation of Trusts Act, 1958, extending period of discretionary trust during life of that member or 21 years whichever should be the longer—Death of that member within two years—Whether duty payable—Whether "interest limited to cease on a death . . . disposed of or . . . determined "—Finance Act, 1940, s. 43—Variation of Trusts Act, 1958, s. 1.
In re **Holmden's Settlement Trusts,** C.A. [1966] Ch. 511; [1966] 3 W.L.R. 1.
H.L.(E.) [1968] A.C. 685; [1968] 2 W.L.R. 800.

Life interest with power to appoint children and issue—Variation of trusts approved by court—Proviso that power, as varied, not to be exercised without counsel's confirmation that no resultant liability for estate duty.
In re **Drewe's Settlement,** Stamp J. [1966] 1 W.L.R. 1518.

Life interest with power to appoint children or remoter issue—Appointment in favour of grandsons in equal shares—Irrevocable appointment subject to life interest—Assignment by grandsons of income of fund to life tenant until her death or a specified date whichever later—Death of life tenant—Whether duty payable on income or corpus of settled property—Finance Act, 1894, ss. 1, 2 (1) (*a*) (*b*)—Finance Act, 1940, s. 43.
In re **Ralli's Settlements,** Buckley J. [1965] Ch. 265; [1964] 2 W.L.R. 1351.
C.A. [1965] Ch. 286; [1964] 3 W.L.R. 1240.
H.L.(E.) [1966] A.C. 483; [1966] 2 W.L.R. 119.

Trusts in events which happened for tenant for life with remainder to issue—Death of son of tenant for life intestate and bachelor—Death of tenant for life leaving two other children—Whether estate duty payable on intestate son's reversionary interest falling in on tenant for life's death—"Property passing on deceased's death"—"Settled property"—"Other property"—Finance Act, 1954, s. 33 (1).
Rivington v. Inland Revenue Comrs., Wilberforce J. [1964] Ch. 149;
[1963] 3 W.L.R. 815.

"*Surviving spouse*" *exemption*

Derivative settlement—Duty paid on death of first life tenant—Subsequent settlement of limited interests on death—Whether deceased competent to dispose of "settled estates" —Whether claim for duty "in respect of" settled estates—Finance Act, 1894, s. 5 (2)—Finance Act, 1914, s. 14. **Coutts & Co. v. Inland Revenue Comrs.,**
Buckley J. [1962] Ch. 305; [1961] 3 W.L.R. 781.
C.A. [1963] Ch. 135; [1962] 3 W.L.R. 347.
H.L.(E.) [1964] A.C. 1393; [1963] 2 W.L.R. 1407.

Valuation

Land—Real and leasehold property—Large estate comprising diverse holdings—Statutory assumption to arrive at price property would fetch in open market "at the time of the death"—Method of dividing estate into units for hypothetical sale—Finance Act, 1894, s. 7 (5)—Finance (1909–10) Act, 1910, s. 60 (2).
Buccleuch (Duke) v. Inland Revenue Comrs., C.A. [1966] 1 Q.B. 851;
[1965] 3 W.L.R. 977.
H.L.(E.) [1967] 1 A.C. 506; [1967] 2 W.L.R. 207.

Option to take house in part satisfaction of pecuniary legacy at "valuation agreed for probate"—Whether value accepted for grant of probate or that finally agreed for estate duty purposes. *In re* **De Lisle, decd.,** Pennycuick J. [1968] 1 W.L.R. 322.

Shares in private company—Whether unpublished information relevant in arriving at open market value—Finance Act, 1894, s. 7 (5).
In re **Lynall, decd.,** Plowman J. [1969] 1 Ch. 421; [1968] 3 W.L.R. 1056.
C.A. [1970] Ch. 138; [1969] 3 W.L.R. 771.

Excess profits levy
Valuation of trading stock

Finance Act, 1937, s. 20 (1), Sch. 4—Finance Act, 1952, s. 45 (1), Sch. 9.
Cyril Lord Ltd. v. Inland Revenue Comrs., McVeigh J., C.A. and H.L.(N.I.)
(1965) 42 T.C. 463.

Goods vehicle (duty). *See* ROAD TRAFFIC.

REVENUE—*continued.*

Income tax

"*Annual payment*"

Annual sums payable out of capital—Income tax to be added to capital—Whether payments made wholly out of taxed income—Whether capital payments—Whether assessment competent for year in which no income received—Income Tax Act, 1952, ss. 123 (Sch. D, Case III), 131, 149, 169.
Postlethwaite v. Inland Revenue Comrs., Wilberforce J. (1963) 41 T.C. 224.

Covenant to pay sum equal to company's trading deficit—Tax deducted from sum paid—Whether an "annual payment"—Income Tax Act, 1952, Sch. D, Case I and Case III, s. 341—Finance Act, 1953, s. 15 (3).
British Commonwealth International Newsfilm Agency Ltd. v. Mahany,
C.A. [1962] 1 W.L.R. 560.
H.L.(E.) [1963] 1 W.L.R. 69.

Debenture interest—Meaning of "interest"—Disproportionate sum in relation to advance—Not interest payable under deduction of tax—Whether annual payments—Income Tax Act, 1952, s. 169. **Ridge Securities Ltd. v. Inland Revenue Comrs.,**
Pennycuick J. [1964] 1 W.L.R. 479.

Deduction of tax—No deduction made—Whether payment made out of taxable profits or gains or out of capital—Income Tax Act, 1952, ss. 169, 170.
Hume v. Asquith, Pennycuick J. [1969] 2 Ch. 58; [1969] 2 W.L.R. 225.

————————Whether payment made out of taxable profits or gains or out of capital—Mortgage interest—Payments of mortgage interest charged to capital—Profits sufficient to pay interest—Whether paid out of taxed income—Income Tax Act, 1952, ss. 169 (1), 170 (1) (2).
Chancery Lane Safe Deposit and Offices Co. Ltd. v. Inland Revenue Comrs.,
C.A. [1965] 1 W.L.R. 239.
H.L.(E.) [1966] A.C. 85; [1966] 2 W.L.R. 251.

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—Taxable income insufficient to pay both dividends and annual payment—Whether accumulated taxed profits available for dividends—Taxpayer's right to attribute payments to particular income source—Income Tax Act, 1952, ss. 169, 170.
B. W. Nobes & Co. Ltd. v. Inland Revenue Comrs Plowman J. [1964] 1 W.L.R. 761.
C.A. [1965] 1 W.L.R. 229.
H.L.(E.) [1966] 1 W.L.R. 111.

Instalments—Sale of shares valued at £2,000,000—Agreement for sale for £5,500,000 "payable without interest by 125 yearly instalments" of £44,000—Whether purchase price contained interest element—Apportionment.
Vestey v. Inland Revenue Comrs., Cross J. [1962] Ch. 861; [1962] 2 W.L.R. 221.

"Interest of money"—Foreign securities—Interest on foreign international bearer bonds—Liability to pay half-yearly in sterling on presentation of clipped coupons—Principal debtors' liability suspended by foreign government—Universal successor to guarantor held liable to pay interest—Payment by universal successor in London—Whether payments "interest of money" or "annual payment" within Case III of Schedule D—Whether "income arising from securities out of the United Kingdom" within Case IV—Income Tax Act, 1952, s. 123 (1).
Westminster Bank Executor and Trustee Co. (Channel Islands) Ltd. v. National Bank of Greece S.A., C.A. [1970] 1 Q.B. 256; [1969] 3 W.L.R. 468.

Interest on loans to drainage board—Payments made out of common fund of board—Money for board's expenses raised by precept on constituent authorities—Expenses including "interest on loans after deduction of tax"—Board's own sources of income insufficient to pay interest—Whether precepted payments in respect of interest "annual payments"—Liability of board for income tax—Hertfordshire County Council (Colne Valley Sewerage, etc.) Act, 1937 (as amended by the Ministry of Housing and Local Government Provisional Order Confirmation (Colne Valley Sewerage Board) Act, 1956), s. 76—Income Tax Act, 1952, ss. 169, 170. **West Hertfordshire Main Drainage Authority v. Inland Revenue Comrs.,** C.A. (1963) 61 L.G.R. 586.

Maintenance payments—"£200 a year less tax"—Effect of court order—Whether "amount awarded" the payment net of income tax or gross—Income Tax Act, 1952, s. 169. **Butler v. Butler,** C.A. [1961] P. 33; [1961] 2 W.L.R. 397.

————————Sum payable "free of income tax"—Husband abroad—Wife's liability to tax—Whether representing larger gross sums paid under deduction of tax—Whether wife liable to direct assessment—Income Tax Act, 1952, ss. 123, 169, 506 (2).
Ferguson v. Inland Revenue Comrs., Ct. of Sess. (1967) 46 T.C. 1.
H.L.(Sc.) [1970] A.C. 442; [1969] 2 W.L.R. 1116.

REVENUE—*continued.*

Income tax—*continued.*

"*Annual payment*"—*continued.*

Payments on capital account—Payments from income to charity committed to purchase of capital item from donor—Whether "annual payments"—Income Tax Act, 1952, s. 169 (1). **Campbell v. Inland Revenue Comrs.,**
Buckley J. [1966] Ch. 439; [1966] 2 W.L.R. 1448.
C.A. [1967] Ch. 651; [1967] 2 W.L.R. 1445.
H.L.(E.) [1970] A.C. 77; [1968] 3 W.L.R. 1025.

Royalty contracts made by author before discontinuance—Bequeathed on death and assigned subsequently—Whether annual payments of assignee—Income Tax Act, 1952, Sch. D, Case III, s. 169.
Hume v. Asquith, Pennycuick J. [1969] 2 Ch. 58; [1969] 2 W.L.R. 225.

Special rates—Sums described as "tithes" levied by Act of Parliament—Annual sum substituted for "tithes" by subsequent legislation—Private owner's right to annual sum acquired by local authority—Enabling Act—Purchase money raised by borrowing—Authority empowered to levy special rate on occupiers of "tithable" property to provide loan repayments and interest—Whether net proceeds of sale chargeable to tax—Income Tax Act, 1952, ss. 123, Sch. D, Case III, 182.
City of London Corpn. v. Dixon, Buckley J. (1963) 40 T.C. 713.

Yearly payments under foreign trust—Annual instalments of capital paid to beneficiary in United Kingdom—Foreign possession—Whether income or capital—Whether English or foreign law relevant—Income Tax Act, 1952, Sch. D, Case V.
Inchyra (Baron) v. Jennings, Pennycuick J. [1966] Ch. 37; [1965] 3 W.L.R. 166.

Appeal to commissioners

Notice of appeal meeting—Service by post—Proof of service—Certiorari—Interpretation Act, 1889, s. 26—Income Tax Act, 1952, s. 515—Income Tax (Service of Notices) Regulations, 1952.
Reg. v. General Comrs. of Income Tax for Tavistock, *Ex parte* **Adams,**
D.C. (1969) 46 T.C. 154.

Summons to attend as witness before General Commissioners—Failure to attend—Penalty for non-attendance—Whether the time for appeal against the penalty should be extended—Income Tax Act, 1952, s. 59—R.S.C., Ord. 3, r. 5; Ord. 127, r. 5.
Bales v. General Comrs. of Income Tax for Rochford,
Ungoed-Thomas J. (1964) 42 T.C. 17.

Whether evidence may be taken abroad by special examiner—Supreme Court of Judicature (Consolidation) Act, 1925, s. 225—R.S.C., Ord. 37, r. 5.
In re **Bristle and Merchandise Co. Ltd.,** C.A. (1963) 42 T.C. 1.

Appeal to Court of Appeal

Bankruptcy—Appellant adjudicated bankrupt after giving notice of appeal to Court of Appeal—Trustee in bankruptcy unwilling to prosecute appeal—Appeal dismissed.
Soul v. Inland Revenue Comrs., C.A. (1966) 43 T.C. 662.

Appeal to High Court

Case stated—Admissibility of supplementary evidence—Onus of proof where assessment appealed against in appellant's favour—Income Tax Act, 1952, s. 52 (5).
Cannon Industries Ltd. v. Edwards, Pennycuick J. [1966] 1 W.L.R. 580.

————Whether court may allow appeal by consent without hearing—Judicial nature of commissioners' functions—"Such other order"—Income Tax Act, 1952, s. 64 (6)—Income Tax Management Act, 1964, s. 5 (6).
Slaney v. Kean, Megarry J. [1970] Ch. 243; [1969] 3 W.L.R. 240.

Commissioners' finding based on party's submission on fact—Whether party can attack finding on appeal to court. **Andrew v. Taylor,** C.A. (1965) 42 T.C. 557.

Costs—Appeal against penalty—General Commissioners' note impugned—Commissioners separately represented—Costs awarded both to Crown and to General Commissioners—Finance Act, 1960, s. 56 (6)—R.S.C. (Rev. 1965), Ord. 90, r. 8.
Salmon v. General Comrs. for Havering, Pennycuick J. (1967) 45 T.C. 77.

Mistrial by general commissioners—Refusal to grant adjournment—Determination by commissioners on assessments not under appeal to High Court also set aside—Fresh hearing on all issues before different panel of commissioners—Income Tax Act, 1952, s. 64 (6). **Rose v. Humbles,** Buckley J. [1970] 1 W.L.R. 1061.

Penalty—Award by general commissioners based partly on material error of fact—Commissioners' determination quashed—Finance Act, 1960, ss. 46 (1), 56.
Collins v. General Comrs. for Croydon, Megarry J. (1969) 45 T.C. 566.

Procedure—Prerogative order—Mandamus does not lie to reverse Commissioners' decision in principle. **Reg. v. Special Comrs. of Income Tax,** *Ex parte* **Philippi,**
Divl.Ct. (1966) 44 T.C. 31.

Summons taken out before hearing in High Court for order remitting case to Commissioners to amend certain passages—Not maintainable—Income Tax Act, 1952, s. 64.
Treharne v. Guinness Exports Ltd., Stamp J. (1967) 44 T.C. 161.

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Income tax—*continued.*

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Whether to be listed without disclosing taxpayer's name.
In re **H.**, Ungoed-Thomas J. (1964) 42 T.C. 14.

Assessment

Additional—Appeals against first assessments settled by agreement—Relevant information received by Special Commissioners before first assessments made—Whether additional assessments competent—Income Tax Act, 1952, ss. 41, 510, 524 (4).
Kidston v. Aspinall, Wilberforce J. (1963) 41 T.C. 371.

————Discovery—Income Tax Act, 1952, s. 41.
Hume v. Asquith, Pennycuick J. [1969] 2 Ch. 58; [1969] 2 W.L.R. 225.

————————Income Tax Act, 1952, ss. 41, 50 (2), 510.
Jones v. Mason Investments (Luton) Ltd., Goff J. (1966) 43 T.C. 570.

————Fraud or wilful default—Increases in capital—Whether representing undisclosed profits—Whether additional assessments competent—Income Tax Act, 1952, ss. 41 (1), 47 (1). **Woodrow v. Whalley**, Buckley J. (1964) 42 T.C. 249.

————————————Schedule D—Back duty—Discovery—Original assessments settled by agreement—Whether further assessments valid—Income Tax Act, 1952, s. 47 (1)—Income Tax Management Act, 1964, s. 5 (3).
Young v. Duthie, Megarry J. (1969) 45 T.C. 624.

————————————Schedule E—Back duty—Unexplained increases of capital—Whether prima facie case of wilful default—Income Tax Act, 1952, s. 47 (1).
Hudson v. Humbles, Pennycuick J. (1965) 42 T.C. 380.

————Fraud or wilful default by taxpayer's accountant—Taxpayer not privy—Whether on his behalf—Income Tax Act, 1952, s. 47 (1).
Clixby v. Pountney, Cross J. [1968] Ch. 719; [1968] 2 W.L.R. 865.

————Fraud or wilful default by taxpayer's wife—Whether on part of taxpayer—Income Tax Act, 1952, s. 47 (1).
Wellington v. Reynolds, Wilberforce J. (1961) 40 T.C. 209.

Additional assessments discharged on appeal—Whether further additional assessments precluded—Whether appeal settled by agreement—Income Tax Act, 1952, ss. 41 (1), 50 (2), 510 (1). **Cansick v. Hochstrasser**, Buckley J. (1961) 40 T.C. 151.

Agreement by inspector following appeal—Further information received by inspector—Additional assessment—Whether bound by agreement—Income Tax Act, 1952, s. 510.
Skinner v. Berry Head Lands Ltd., Goff J. [1970] 1 W.L.R. 1441.

Agreement of computation by inspector—Subsequent additional assessments—Whether a "discovery" by inspector—Whether inspector precluded by agreement from making additional assessments—Income Tax Act, 1952, ss. 41 (1), 50 (2), 510.
Cenlon Finance Co. Ltd. v. Ellwood, C.A. [1961] Ch. 50; [1961] 3 W.L.R. 242.
H.L.(E.) [1962] A.C. 782; [1962] 2 W.L.R. 871.

Assessment adjusted by agreement—Subsequent dispute in respect of mortgage interest—Whether agreement made—Income Tax Act, 1952, s. 510 (1).
Chancery Lane Safe Deposit and Offices Co. Ltd. v. Inland Revenue Comrs.,
C.A. [1965] 1 W.L.R. 239.
H.L.(E.) [1966] A.C. 85; [1966] 2 W.L.R. 251.

Back duty—Neglect—Assessments made after six years, but within six years of determination of assessment for normal year—Necessity for leave to make assessments—Whether defendant entitled to be heard—Finance Act, 1960, s. 51—Income Tax Management Act, 1964, s. 6. **Day v. Williams**, Cross J. and C.A. (1969) 46 T.C. 59.

————————Whether assessment made "for the purpose of making good . . . a loss of tax . . . attributable to . . . fraud, wilful default or neglect"—Income Tax Act, 1952, s. 47—Finance Act, 1960, ss. 51, 52.
J. O'Mullan & Co. v. Walmsley, Lowry J. (1965) 42 T.C. 573.

————Schedule E. **Frowd v. Whalley**, Stamp J. (1965) 42 T.C. 599.

————Wilful default by hairdresser.
Hillenbrand v. Inland Revenue Comrs., Ct. of Sess. (1966) 42 T.C. 617.

Mistake—Not misleading—Income Tax Act, 1952, s. 514.
Fleming v. London Produce Co. Ltd., Megarry J. [1968] 1 W.L.R. 1013.

Undisclosed profits—Increases in capital—Whether representing undisclosed profits.
Hellier v. O'Hare, Ungoed-Thomas J. (1964) 42 T.C. 155.

————————Payment of bank notes on sale of shares.
Erddig Motors Ltd. v. McGregor, Cross J. (1961) 40 T.C. 95.

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Income tax—*continued.*

Building society

Building society arrangements—Computation of profit chargeable to tax at standard rate—Profit on sale of property—Property originally mortgaged to society—Equity of redemption purchased before decision to sell—Whether realisation of mortgaged property—Whether property an investment—Whether retained as an investment—Income Tax Act, 1952, s. 445. **Royal Mutual Benefit Building Society v. Walker,** Megarry J. (1968) 45 T.C. 171.

Capital allowances

Agricultural expenditure—Owner settling freehold on trustees, taking lease back at rack rent—Claim for allowance in respect of expenditure incurred while freehold owner—Whether "whole of his interest in the land in question . . . transferred . . . to some other person"—Income Tax Act, 1952, s. 314 (4).
Sargaison v. Roberts, Megarry J. [1969] 1 W.L.R. 951.

Industrial building or structure—Administrative block within factory—Whether a separate building—Income Tax Act, 1952, ss. 265 (1), 271 (3) (4).
Abbott Laboratories Ltd. v. Carmody, Goff J. [1968] 2 All E.R. 879; 44 T.C. 569.

————————Annual allowances — "Relevant interest" — Factory erected by A on leased land and sublet to B for term expiring three days before head-lease—Whether B entitled to relevant interest—Income Tax Act, 1952, ss. 266, 273.
Woods v. R. M. Mallen (Engineering) Ltd., Plowman J. (1969) 45 T.C. 619.

————————Building for screening and packing coal—Whether coal subjected to a process—Whether building used for purpose ancillary to a retail shop—Income Tax Act, 1952, s. 271.
Kilmarnock Equitable Co-operative Society Ltd. v. Inland Revenue Comrs., Ct. of Sess. (1966) 42 T.C. 675.

————————Crematorium furnace chamber and chimney tower—Whether industrial buildings and structures—Whether human remains "goods or materials"—Whether cremation "subjection of goods or materials to any process"—Income Tax Act, 1952, s. 271 (1) (*c*).
Bourne v. Norwich Crematorium Ltd., Stamp J. [1967] 1 W.L.R. 691.

————————Warehouse for shoes—Some shoes manufactured by taxpayer, others not so manufactured—Building "in use for the purposes of that part of that trade"—Income Tax Act, 1952, s. 271 (1) (*d*) (iii) (2).
Inland Revenue Comrs. v. Saxone, Lilley & Skinner (Holdings) Ltd., Ct. of Sess. (1966) 44 T.C. 122.
H.L.(Sc.) [1967] 1 W.L.R. 501.

Investment allowance—Ford 7-cwt. van—Whether "of a type not commonly used as private vehicles and unsuitable to be so used"—Finance Act, 1954, s. 16 (3).
Laing v. Inland Revenue Comrs., Ct. of Sess. (1967) 44 T.C. 681.

——————Machinery and plant—Wallpaper manufacturer—Cost of designs—Designs imprinted by blocks or rollers—Whether designs plant—Whether cost thereof expenditure on blocks or rollers—Finance Act, 1954, s. 16.
McVeigh v. Arthur Sanderson & Sons Ltd., Cross J. [1969] 1 W.L.R. 1143.

——————Mini vans—Morris 1000 vans—Austin A35 vans—Bedford 6-cwt. vans—Whether "of a type not commonly used as private vehicles and unsuitable to be so used"—Finance Act, 1954, s. 16 (3).
Roberts v. Granada T.V. Rental Ltd., Megarry J. [1970] 1 W.L.R. 889.

——————Whether capital expenditure on motor cars used in a school of motoring business qualifies—Finance Act, 1963, s. 16 (3).
Bourne v. Auto School of Motoring (Norwich) Ltd., Buckley J. (1964) 42 T.C. 217.

——————Whether wallpaper sellers' pattern books "plant"—Whether expenditure thereon capital—Finance Act, 1954, s. 16 (1) (3), as amended by Finance Act, 1959, s. 21 (2) and Sch. IV, and Finance Act, 1963, s. 33.
Rose & Co. (Wallpaper & Paints) Ltd. v. Campbell, Pennycuick J. [1968] 1 W.L.R. 346.

Machinery and plant—Asset owned but not in use at end of basis period—Income Tax Act, 1952, ss. 280, 325. **Schapira v. Kirby,** Megarry J. (1970) T.C. Leaflet No. 2359.

——————Balancing charge—Plant and machinery sold with other assets—Then resold at price governed by income tax apportionment on first sale—Whether apportionment in sale agreement must be followed—Whether s. 329, Income Tax Act, 1952, applies—Income Tax Act, 1952, ss. 292, 326, 329—Finance Act, 1952, Sch. 6, paras. 2, 3.
Wood (Trading as A. Wood & Co.) v. Provan, Buckley J. and C.A. (1968) 44 T.C. 701.

——————Excavation and construction of dry dock—Whether allowances due as for expenditure on machinery or plant or as for expenditure on industrial building or structure—Income Tax Act, 1952, ss. 276 (1), 279 (1), 300.
Inland Revenue Comrs. v. Barclay, Curle & Co. Ltd., Ct. of Sess. (1968) 45 T.C. 221.
H.L.(Sc.) [1969] 1 W.L.R. 675.

REVENUE—*continued.*

Income tax—*continued.*

Capital allowances—continued.

Machinery and plant—Lifts, boilers and other machinery and plant in hotel—Lease by property company to hotel company using machinery and plant for business—Covenant by lease to repair and replace—Whether lessor or lessee entitled to allowance—Income Tax Act, 1952, ss. 298, 299.
Lupton v. Cadogan Gardens Developments Ltd., Goff J. (1970) T.C. Leaflet No. 2365.

——————Lifts and heating plant in office block—Lease to government department by property investment company—Lessee's covenants to repair building and fixtures—Lessor's claim for wear and tear allowances—Neither lessor nor lessee using machinery or plant for trade or business—"Burden of the wear and tear thereof"—"Wear and tear"—Whether lessor entitled to allowance—Income Tax Act, 1952, ss. 298, 299. **Macsaga Investment Co. Ltd. v. Lupton,**
Pennycuick J. [1967] Ch. 167; [1966] 3 W.L.R. 1184.
C.A. [1967] Ch. 1016; [1967] 3 W.L.R. 333.

——————Office—Movable partitions—Income Tax Act, 1952, ss. 279, 280.
Jarrold v. John Good & Sons Ltd., Pennycuick J. [1962] 1 W.L.R. 1101.
C.A. [1963] 1 W.L.R. 214.

Capital or income expenditure. See Expenses of trade or profession (Schedule D).

Capital or income receipt. See Profits of trade (Schedule D).

Charity

Company established for educational purposes—Claim for exemption from income tax—Application within expressed objects clause but not for public benefit—Whether applied "to charitable purposes only"—Income Tax Act, 1952, s. 447 (1) (*b*).
Inland Revenue Comrs. v. Educational Grants Association Ltd.,
Pennycuick J. [1967] Ch. 123; [1966] 3 W.L.R. 724.
C.A. [1967] Ch. 993; [1967] 3 W.L.R. 41.

Historic building—Fund in trust for maintenance—Building accessible to public but used for private purposes of owners—Whether fund established for charitable purposes only—Income Tax Act, 1952, s. 447 (1) (*b*).
Trades House of Glasgow v. Inland Revenue Comrs. (1969) 46 T.C. 178.

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Cross J. [1966] Ch. 675; [1965] 3 W.L.R. 1168.

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C.A. [1969] 1 Ch. 293; [1968] 3 W.L.R. 442.
H.L.(E.) [1970] A.C. 362; [1969] 3 W.L.R. 557.

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Inland Revenue Comrs. v. Verdon-Roe, Pennycuick J. and C.A. (1962) 40 T.C. 541.

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Income tax—*continued.*

Covenant—continued.

Covenanted payments by non-resident for period not exceeding three years—Liability to tax as income from foreign possessions—Deemed to be donor's income "for all the purposes of this Act"—Whether applicable where voluntary disposition made by non-resident—"Any income," meaning of—Income Tax Act, 1952, s. 392.
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Declaration

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Discontinuance of profession

Author—Copyright—Royalty contracts made before discontinuance—Contracts bequeathed on death and assigned subsequently—Whether royalties taxable in hands of assignee—Income Tax Act, 1952, Sch. D, Case III, s. 169.
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Building contractors—Discontinuance of contract business—Sale of houses formerly built on own land—Whether profits of trade.
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Company subvention agreement between associated companies—Associated company ceasing to trade—Subsequent payments received under agreement—Whether subvention payment relief available—"Receives"—Finance Act, 1953, s. 20 (1) (9) (10).
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REVENUE—*continued.*

Income tax—*continued.*

Discontinuance of trade—continued.

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Lions Ltd. v. Gosford Furnishing Co. Ltd. and Inland Revenue Comrs., Lord Sorn (1962) 40 T.C. 256.

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British Guiana—Paid out of capital profits—Taxable income of recipient—Income Tax Ordinance (British Guiana), c. 299, s. 5 (*c*).
Bicber Ltd. v. Income Tax Comrs., P.C. [1962] 1 W.L.R. 897.

Company distributing total distributable profits—Dividend expressed to be payable "net" —Whether shareholder to be deemed to receive gross sum greater than gross profit—Income Tax Act, 1952, ss. 184, 185, 186, 199.
Johns v. Wirsal Securities Ltd., Pennycuick J. [1966] 1 W.L.R. 462.

Distributions by company with reserves containing taxed profits and capital profits—Whether liable to surtax.
Inland Revenue Comrs. v. McNaught's Executors, Ct. of Sess. (1964) 42 T.C. 71.

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Cenlon Finance Co. Ltd. v. Ellwood, H.L.(E.) [1962] A.C. 782; [1962] 2 W.L.R. 871.

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Double taxation agreement

Company carrying on business in Netherlands with branch in London—Profits from disposal of securities controlled abroad—Effect of double taxation agreement—Whether profits to be excluded from Schedule D, Case 1 computation—Double Taxation Relief (Taxes on Income) (Netherlands) Order, 1950, art. III, paras. 2, 3.
General Reinsurance Co. Ltd. v. Tomlinson, Foster J. [1970] 1 W.L.R. 566.

Double taxation relief

Dividends from overseas company—Computation of foreign tax attributable to profits represented by dividends—"Relevant profits"—Whether profits for purposes of overseas tax or profits in accounts—Income Tax Act, 1952, Sch. 16, para. 9 (1).
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C.A. [1969] 1 Ch. 78; [1968] 3 W.L.R. 471.
H.L.(E.) [1970] A.C. 266; [1969] 3 W.L.R. 412.

Double tax payable—New or additional source of income in Australia—Dividends liable to income tax in two years of assessment—Amount of credit allowed in respect of Australian tax—Whether credit available in each of the two years of assessment—Income Tax Act, 1952, s. 347, Sch. 16, paras. 2, 5—Double Taxation Relief (Taxes on Income) (Australia) Order, 1947, Sch., arts. II, XII (1).
Imperial Chemical Industries Ltd. v. Caro, C.A. [1961] 1 W.L.R. 529.

———————United Kingdom income tax computed by reference to income arising during the year preceding year of assessment—No New Zealand income tax paid on income arising in year preceding year of assessment to United Kingdom tax—New Zealand income tax paid in respect of income arising in year of assessment—Whether relief allowable under Double Taxation Relief Agreement—Income Tax Act, 1952, ss. 122 (1) (*a*), 123 (1), Sch. D, Cases IV and V, 132 (1) (2), 347 (1) (2), Sch. 16, para. (2)—Double Taxation Relief (Taxes on Income) (New Zealand) Order, 1947, Sch., art. XIV. **Duckering v. Gollan,** Pennycuick J. [1964] 1 W.L.R. 414.
C.A. [1964] 1 W.L.R. 1178.
H.L.(E.) [1965] 1 W.L.R. 680.

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Settlement—Shares—Family company—Taxpayer assistant managing director—Settlement by taxpayer's mother and brother—Mother and brother directors of company—Taxpayer to receive income from shares "so long as he shall be engaged in the management of the company"—Whether "earned income"—Income Tax Act, 1952, s. 525 (1).
White v. Franklin, C.A. [1965] 1 W.L.R. 492.

REVENUE—*continued.*

Income tax—*continued.*

Earned income relief—continued.

Solicitor—Exercise of profession—Clients' money on deposit account—Deposit interest—Loans of clients' money to other clients—Whether solicitor entitled to earned income relief—Income Tax Act, 1952, ss. 123 (1) (*a*), 148, 525 (1) (*c*).
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————Payments to retired partner under consultancy agreement—Whether entitled to earned income relief. **Hale v. Shea,** Buckley J. [1965] 1 W.L.R. 290.

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Bucks v. Bowers, Pennycuick J. [1970] Ch. 431; [1970] 2 W.L.R. 676.

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Benefit in kind—Legal expenses—Director—Company paid costs of defence on criminal driving charge arising out of accident while on business—Anxious not to lose services of director—Costs paid more than director would have incurred on own behalf—Whether an expense incurred "in or in connection with the provision of . . . benefits"—Whether "benefit" to director—Income Tax Act, 1952, ss. 160, 161.
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H.L.(E.) [1964] 1 W.L.R. 650.

————Living accommodation—Tenancy of company's house—Director—Expenses paid by company—Genuine entertaining—Whether apportionable—Basis of apportionment—Current maintenance expenditure—Whether "incurred . . . in the acquisition or production of an asset"—Income Tax Act, 1952, ss. 161 (1) (6), 162 (1).
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C.A. [1969] 2 Ch. 324; [1969] 3 W.L.R. 255.

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Luke v. Inland Revenue Comrs., H.L.(Sc.) [1963] A.C. 557; [1963] 2 W.L.R. 559.

————Rent equal to Schedule A assessment paid to company—Repairs paid for by company although no agreement—Whether assessment on notional rent exhaustive.
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————Employee at £2,000 a year or more—Coal, electricity and gardener provided by company—Whether incurred "in or in connection with the provision of living accommodation"—Income Tax Act, 1952, s. 161 (1) (3).
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C.A. [1963] Ch. 185; [1962] 3 W.L.R. 874.

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Wilkins v. Rogerson, C.A. [1961] Ch. 133; [1961] 2 W.L.R. 102.

————Paid to past employee—In appreciation of past services for which already paid—Whether emolument of employment.
Inland Revenue Comrs. v. Morris, Ct. of Sess. (1967) 44 T.C. 685.

————Vouchers to staff at Christmas—Whether mere personal gifts or in return for services—Whether "emoluments therefrom" in respect of employment—Income Tax Act, 1952, s. 156.
Laidler v. Perry, C.A. [1965] Ch. 192; [1964] 3 W.L.R. 709.
H.L.(E.) [1966] A.C. 16; [1965] 2 W.L.R. 1172.

————Lecture fees paid by hospital to whole-time consultant in addition to salary—At first no extra payment—Then paid on basis that not covered by salary—Whether emoluments of office.
Lindsay v. Inland Revenue Comrs., Ct. of Sess. (1964) 41 T.C. 661.

————Loan of car by employer to employee with consequent subtraction from remuneration—Whether subtraction a reduction in computing gross wages or a repayment out of gross wages—Whether use of car convertible into money—Whether "perquisite"—Income Tax Act, 1952, s. 156—Finance Act, 1956, Sch. 2, para. 1.
Heaton v. Bell, Ungoed-Thomas J. [1968] 1 W.L.R. 263.
C.A. [1968] 1 W.L.R. 1385.
H.L.(E.) [1970] A.C. 728; [1969] 2 W.L.R. 735.

REVENUE—*continued.*

Income tax—*continued.*

Employment—continued.

Emolument—Mileage allowance—Part-time hospital doctor required to be on stand-by duty and accessible by telephone—Allowance for travel to hospital when called on emergency cases—Whether a "perquisite" of office—Income Tax Act, 1952, s. 156—Finance Act, 1956, Sch. 2, para. 1. **Pook v. Owen**, Stamp J. [1967] 1 W.L.R. 679.
C.A. [1969] 1 Ch. 535; [1968] 2 W.L.R. 591.
H.L.(E.) [1970] A.C. 244; [1969] 2 W.L.R. 775.

————Payments to former employee after cancellation of service agreement—Whether remuneration of office or compensation for surrender of rights under agreement. **Clayton v. Lavender**, Stamp J. (1965) 42 T.C. 607.

————Signing-on fee paid to professional footballer joining Rugby League—Loss of amateur status with Rugby Union—Capital sum for loss of amateur status for life. **Jarrold v. Boustead**, C.A. [1964] 1 W.L.R. 1357.

————————————————Lump sum in consideration of agreement to stay with club for career. **Riley v. Coglan**, Ungoed-Thomas J. [1967] 1 W.L.R. 1300.

Master stonemason not exempt. **Lloyd v. Taylor**, Goff J. (1970) T.C. Leaflet No. 2362.

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Expenses of employment (Schedule E)

Club subscription — Bank manager — Purpose of membership to foster social contacts—Whether "necessarily" laid out in performance of duties—Income Tax Act, 1952, Sch. 9, para. 7. **Brown v. Bullock**, Danckwerts J. [1961] 1 W.L.R. 53.
C.A. [1961] 1 W.L.R. 1095.

————Managing director — Subscription paid by company — Purpose to obtain inexpensive accommodation when in London on business—Income Tax Act, 1952, Sch. 9, para. 7. **Elwood v. Ulitz**, McVeigh L.J. and C.A.(N.I.) (1965) 42 T.C. 482.

Examination fees—Solicitor's articled clerk—Whether duality of purpose—Whether necessarily—Income Tax Act, 1952, Sch. 9, para. 7.
Lupton v. Potts, Plowman J. [1969] 1 W.L.R. 1749.

Foreign tour—Directors of farming company visited Canada to attend agricultural show—Whether duality of purpose—Whether necessarily incurred—Income Tax Act, 1952, Sch. 9, para. 7. **Thomson v. White**, Ungoed-Thomas J. (1966) 43 T.C. 256.

Lecture fees—Headmaster attended lectures to improve background knowledge—Income Tax Act, 1952, Sch. 9, para. 7.
Humbles v. Brooks, Ungoed-Thomas J. (1962) 40 T.C. 500.

Maintenance and travel—Expenses paid by employer—Use of residence as office—Rail travel, taxis and hotels—Voyage to South America on medical advice—Apportionment—Income Tax Act, 1952, Sch. 9, para. 7.
Newlin v. Woods, Cross J. and C.A. (1965) 42 T.C. 649.

Rent—Export sales supervisor—Provision of flat by employer—Income Tax Act, 1952, Sch. 9, para. 7. **McKie v. Warner**, Plowman J. [1961] 1 W.L.R. 1230.

Travelling expenses—Doctor required to be on stand-by duty and accessible by telephone—Travel to hospital when called on emergency cases—Income Tax Act, 1952, Sch. 9, para. 7. **Pook v. Owen**, Stamp J. [1967] 1 W.L.R. 679.
C.A. [1969] 1 Ch. 535; [1968] 2 W.L.R. 591.
H.L.(E.) [1970] A.C. 244; [1969] 2 W.L.R. 775.

————Investigator with Inland Revenue—Car mileage allowance received—Claim for expenses in excess of allowance received—Travelling necessarily involved in course of employment—Whether excess expenses necessarily incurred—Income Tax Act, 1952, Sch. 9, para. 7.
Marsden v. Inland Revenue Comrs., Pennycuick J. [1965] 1 W.L.R. 734.

Widower—Cost of assistance to look after children while carrying out employment—Income Tax Act, 1952, Sch. 9, para. 7.
Halstead v. Condon, Megarry J. (1970) 46 T.C. 289.

Expenses of trade or profession (Schedule D)

Brewers' licences—Expense of obtaining new licences—Premises compulsorily acquired in redevelopment — Scheme for holding licences in "bank" — Delayed transfer to new premises — Anticipated ultimate reduction in premises — Maintenance of barrelage — Whether replacement of licence capital expenditure—Income Tax Act, 1952, s. 137 (*f*).
Pendleton v. Mitchells & Butlers Ltd., Cross J. [1969] 2 All E.R. 928; 45 T.C. 341.

Ceylon—Legal expenses in contesting ownership of business—Whether expended in the production of the profits of the business.
Inland Revenue Comrs. v. Appuhamy, P.C. [1963] A.C. 127; [1962] 3 W.L.R. 1425.

REVENUE—*continued.*

Income tax—*continued.*

Expenses of trade or profession (Schedule D)—continued.

Compensation to manager in lieu of notice by company ceasing trade—Estates sold—Termination of service agreement—Whether payment to manager "wholly and exclusively laid out or expended for the purposes of the . . . trade"—Income Tax Act, 1952, s. 137 (*a*). **Godden v. A. Wilson's Stores (Holdings) Ltd.,** Plowman J. and C.A. (1961) 40 T.C. 161.

Compensation to redundant directors and employees of company being taken over—Payment by company being taken over part of bargain—Whether deductible by company taken over—Whether deductible by company taking over—Income Tax Act, 1952, s. 137 (*a*). **George Peters & Co. Ltd. v. Smith,** Wilberforce J. (1963) 41 T.C. 264.

Compensation to retiring directors of private company for loss of office—Contemporaneous change in shareholding—Compensation part of larger agreement—Whether deductible—Income Tax Act, 1952, s. 137 (*a*). **George J. Smith & Co. Ltd. v. Furlong,** Cross J. [1969] 2 All E.R. 760; 45 T.C. 384.

Conference—Travelling and maintenance expenses of accountant's visit to New York for accountancy conference—Sole purpose of trip to New York—Whether duality of purpose—Income Tax Act, 1952, s. 137 (*a*).
Edwards v. Warmsley Henshall & Co., Cross J. [1968] 1 All E.R. 1089; 44 T.C. 431.

————Travelling and maintenance expenses of solicitor's visit to America to attend two conferences and holiday—Duality of purpose—Conference fees allowed without prejudice—Income Tax Act, 1952, s. 137 (*a*) (*b*).
Bowden v. Russell & Russell, Pennycuick J. [1965] 1 W.L.R. 711.

Contributions—Economic league via trade protection association—Wide objects including preservation of free enterprise—Whether donations exclusively for purposes of trade—Income Tax Act, 1952, s. 137 (*a*). **Joseph L. Thompson & Sons Ltd. v. Chamberlain,** Ungoed-Thomas J. (1962) 40 T.C. 657.

————Trade association—Campaign for polls sanctioning Sunday opening of public-houses in Wales and Monmouthshire—Whether expenditure of a capital nature.
Cooper v. Rhymney Breweries Ltd., Cross J. [1965] 1 W.L.R. 1378.

Cost to company of obtaining supplementary charter—Object to remove restrictions on borrowing and also share restrictions which interfered with management recruiting—Whether wholly and exclusively for purposes of business—Whether income or capital—Income Tax Act, 1952, s. 137 (*a*). **Inland Revenue Comrs. v. Carron Co.,** H.L.(Sc.) (1968) 45 T.C. 18.

East Africa—Premium and royalty for occupancy right of sisal estate for 99 years—Royalty payments for limited period—Whether royalty capital expenditure for purchase of capital asset—East African Income Tax (Management) Act, 1952, s. 14 (1).
Ralli Estates Ltd. v. Income Tax Comr., P.C. [1961] 1 W.L.R. 329.

Entertaining—Provision of hospitality by newspaper publisher to informants and contributors—Whether deductible in computing profits—Finance Act, 1965, s. 15 (1) (5) (9).
Fleming v. Associated Newspapers Ltd., Megarry J. [1970] 3 W.L.R. 809.

Expenses incurred in employment but disallowed for Schedule E—Medical specialist with part-time hospital employment—Whether excess expenses allowed against profits of profession under Schedule D—Mutual exclusivity—Income Tax Act, 1952, s. 137 (*a*).
Mitchell and Edon v. Ross, H.L.(E.) [1962] A.C. 814; [1961] 3 W.L.R. 411.

Farmhouse also used as house—Rates, maintenance and insurance—Income Tax Act, 1952, ss. 124 (1), 137 (*a*) (*b*).
Inland Revenue Comrs. v. Korner, H.L.(Sc.) [1969] 1 W.L.R. 554.

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Comr. of Taxes v. Nchanga Consolidated Copper Mines Ltd., P.C. [1964] A.C. 948; [1964] 2 W.L.R. 339.

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Harrods (Buenos Aires) Ltd. v. Taylor-Gooby, Buckley J. and C.A. (1964) 41 T.C. 450.

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Medical expenses—Operation on finger of dance musician to enable him to play guitar—Hobby and part-time profession—Whether cost of operation incurred wholly and exclusively in course of profession—Whether expense of maintenance—Income Tax Act, 1952, s. 137 (*a*) (*b*). **Prince v. Mapp,** Pennycuick J. [1970] 1 W.L.R. 260.

REVENUE—*continued.*

Income tax—*continued.*

Expenses of trade or profession (Schedule D)—continued.

Medical expenses—Professional practice carried on in private nursing home whilst undergoing treatment—Office facilities provided in nursing home—Whether part of expenses deductible in computing profits of profession—Duality of purpose—Income Tax Act, 1952, s. 137 (*a*) (*b*). **Murgatroyd v. Evans-Jackson,** Plowman J. [1967] 1 W.L.R. 423.

Payment to meet deficit of company—News film agency provided service to B.B.C.—Deficit—Payment by B.B.C. under agreement—Income Tax Act, 1952, s. 137 (*a*).
British Broadcasting Corpn. v. Johns, C.A. [1965] Ch. 32; [1964] 2 W.L.R. 1071.

Payments by oil company to secure exclusive sale stations—Australia—Loan to retailer repayable with interest at fixed rate—Restrictive covenant—Another agreement providing for annual sum payable to retailer for each 12 months while in occupation and observing agreement—Capital or revenue.
Mobil Oil Australia Ltd. v. Comr. of Taxation of the Commonwealth of Australia, P.C. [1966] A.C. 275; [1965] 3 W.L.R. 629.

——————————————————————Lump sum paid to retailer in return for tie for period of years—Enduring benefit—" Once and for all " payments. **B.P. Australia Ltd. v. Comr. of Taxation of the Commonwealth of Australia,** P.C. [1966] A.C. 224; [1965] 3 W.L.R. 608.

——————————————————————Premiums for head leases—Restrictive covenants by proprietors as sub-lessees—Interest in land a capital asset—Capital or revenue expenditure—Income Tax Act, 1952, s. 137 (*f*).
Strick v. Regent Oil Co. Ltd., Pennycuick J. [1964] 1 W.L.R. 309.
C.A. [1964] 1 W.L.R. 1166.
H.L.(E.) [1966] A.C. 295; [1965] 3 W.L.R. 636.

Payments to wholly-owned service company by partnership—Agreement that company would make nominal profit—£15,000 excess in first year to be adjusted over later years—Whether excess " wholly and exclusively " for purposes of profession in first year—Income Tax Act, 1952, ss. 127, 128, 137.
Stephenson v. Payne, Stone, Fraser & Co., Pennycuick J. [1968] 1 W.L.R. 858.

Rent—Long lease surrendered, shorter lease at higher rent with freehold reversion acquired—Whether whole of higher rent deductible—Whether " wholly and exclusively "—Whether " capital withdrawn from, or any sum . . . intended to be employed as capital in . . . trade "—Income Tax Act, 1952, s. 137 (*a*) (*f*).
Littlewoods Mail Order Stores Ltd. v. McGregor, Plowman J. [1968] 1 W.L.R. 1820.
C.A. [1969] 1 W.L.R. 1241.

Repairs to premises—Substantial work on old property—Appearance of ground floor somewhat changed—Whether improvements—Income Tax Act, 1952, s. 137 (*d*).
Conn v. Robins Bros. Ltd., Buckley J. (1966) 43 T.C. 266.

Solicitor — Guarantee of client's overdraft — Part of usual practice of solicitor — Loss incurred—Income Tax Act, 1952, s. 137 (*a*) (*e*) (*f*).
Jennings v. Barfield & Barfield, Pennycuick J. [1962] 1 W.L.R. 997.

Technical education—Education of farmer's sons at agricultural institute—Sons employed on father's farm—Whether fees " Any payment to be used for the purposes of technical education "—Income Tax Act, 1952, s. 140.
Wickwar v. Berry, C.A. [1963] 1 W.L.R. 1026.

Farming

Activities of farmer's executors—Whether farming or only realising farm—Schedule D.
Inland Revenue Comrs. v. Donaldson's Trustees, Ct. of Sess. (1963) 41 T.C. 161.

Allowance for capital expenditure on farmhouses, etc.—" Agricultural cottage "—" Farmhouse "—Cottage occupied by farmer in partnership—Income Tax Act, 1952, s. 314.
Inland Revenue Comrs. v. John M. Whiteford & Son, Ct. of Sess. (1962) 40 T.C. 379.

Maintenance expenditure on farmhouse — Whether expenditure for domestic purposes distinct from those of the trade—Income Tax Act, 1952, ss. 124, 137 (*b*) (*d*), 526 (1).
Korner v. Inland Revenue Comrs., Ct. of Sess. (1968) 45 T.C. 287.
H.L.(E.) [1969] 1 W.L.R. 554.

Sale of turves by farming company—Not produced for sale—Whether " farming "—Income Tax Act, 1952, s. 124 (1), 526 (1).
Lowe v. J. W. Ashmore Ltd., Megarry J. [1970] 3 W.L.R. 998.

Schedule D, Case I—Deductions—Farming profits computed by reference to preceding year—Deduction of annual value of land assessed under Schedule A—Statutory provision allowing deduction repealed in fiscal year under appeal—Computation of profits of that year—Transitional provisions—Income Tax Act, 1952, s. 136, Sch. A—Finance Act, 1963, s. 29 (1), Schs. 8, 13. **Provan v. Scott,** Cross J. [1965] 1 W.L.R. 1193.

Taxpayer carrying on two farms for a few months—One disposed of—Whether one trade—Income Tax Act, 1952, s. 152.
Bispham v. Eardiston Farming Co. (1919) Ltd., Wilberforce J. [1962] 1 W.L.R. 616.

REVENUE—*continued.*

Income tax—*continued.*

Forces of Crown

Civil Defence Corps Bounty—Training and expenses allowances—Whether a sum payable out of public revenue to members of the reserve and auxiliary forces of the Crown—Whether exempt from income tax—Income Tax Act, 1952, s. 457 (4).
Lush v. Coles, Stamp J. [1967] 1 W.L.R. 685.

Husband and wife

Tax repayment—Spouses not separately assessed—Tax deducted at source from wife's investment income repaid to husband—Whether held as trustee for wife—Income Tax Act, 1952, s. 354.
In re **Cameron, decd.,** Harman L.J. [1967] Ch. 1; [1966] 2 W.L.R. 243.

Trinidad and Tobago.
Reynolds v. Comr. of Income Tax, P.C. [1967] 1 A.C. 1; [1966] 2 W.L.R. 408.

Industrial and provident society

Allocation of bonus to purchase of fully paid-up shares—Whether deductible as expenses —Income Tax Act, 1952, s. 444 (2).
Staffordshire Egg Producers Ltd. v. Spencer, Buckley J. and C.A. (1963) 41 T.C. 131.

Interest

Loans provided by person not carrying on trade of moneylender—Whether excess of repayment over principal lent was income of lender—Whether lender acted as principal or agent—Income Tax Act, 1952, s. 131. **Soul v. Caillebotte,** Cross J. (1965) 43 T.C. 657.

Short term interest—Principles applicable.
Inland Revenue Comrs. v. Frere, Wilberforce J. [1964] Ch. 359; [1963] 3 W.L.R. 854.
C.A. [1964] Ch. 359; [1964] 2 W.L.R. 405.
H.L.(E.) [1965] A.C. 402; [1964] 3 W.L.R. 1193.

Interest on lost tax

Fraud or wilful default—Assessments made before passing of Finance Act, 1960—Whether interest chargeable—Finance Act, 1960, ss. 44, 58.
Reg. v. General Comrs. of Income Tax for Wallington, *Ex parte* **Fysh,**
Divl.Ct. (1962) 40 T.C. 225.

Investment allowance. See Capital allowances.

Investment company

Expenses of management—Director-controlled private company—No interest paid on loans and no dividends declared—Income less expenses distributed as directors' fees—Whether "expenses of management"—Income Tax Act, 1952, s. 425.
L. G. Berry Investments Ltd. v. Attwooll, Plowman J. [1964] 1 W.L.R. 693.

————————Income in respect of which credit allowed for double taxation relief—"The amount of the tax" for the purposes of management expenses relief—Income Tax Act, 1952, ss. 350 (1), 425 (1).
Jones v. Shell Petroleum Co. Ltd., Cross J. [1969] 1 W.L.R. 536.
C.A. [1970] 1 W.L.R. 229.

————————Payments by subsidiary to parent company—Whether management expenses—Income Tax Act, 1952, s. 425.
Fragmap Developments Ltd. v. Cooper, Buckley J. (1967) 44 T.C. 366.

Management expenses relief. (*See also Investment company.*)

Life insurance company—Canadian company—Purchase of own shares in process of conversion from proprietary to mutual company—Whether profits so expended belonged to or were expended on behalf of policy holders—Income Tax Act, 1952, ss. 425, 427.
White v. Confederation Life Association, Buckley J. (1969) 46 T.C. 77.

Non-resident

"Agent"—Whether "general commission agent"—"Broker"—Income Tax Act, 1952, ss. 370, 373. **Fleming v. London Produce Co. Ltd.,** Megarry J. [1968] 1 W.L.R. 1013.

P.A.Y.E.

Collection of tax from employer—Whether regulations ultra vires in absence of provision for remunerating employer—Income Tax Act, 1952, s. 57—Income Tax (Employments) Regulations, 1962, reg. 31. **Meredith v. Hazell,** Divl.Ct. (1964) 42 T.C. 435.

Partnership

Death of partner—Dissolution—Subsequent death of partner—Additional assessments in partnership name—Whether assessments made on deceased partner's estate more than three years after death of partner valid—Whether assessment valid against surviving partner—Income Tax Act, 1952, ss. 47 (1) (2), 144 (1)—Finance Act, 1960, ss. 51, 53, 63 (3). **Harrison v. Willis Bros.,** Buckley J. [1966] Ch. 619; [1965] 2 W.L.R. 617.
C.A. [1966] Ch. 619; [1966] 2 W.L.R. 183.

Entity of assessment by taxing enactment—Whether loss of member trading alone deductible from profits of partnership—Hongkong Ordinance.
Inland Revenue Comr. v. Four Seas Co. Ltd., P.C. [1962] A.C. 161;
[1961] 3 W.L.R. 1399.

REVENUE—*continued.*

Income tax—*continued.*

Partnership—continued.

Fraudulent accounts submitted to Inland Revenue—Deceased taxpayer—Proceedings against deceased's executrix—Sole beneficiary of estate not party to fraud—Repayment of tax out of estate—Penalty equivalent to 60 per cent. of remaining estate imposed by commissioners—Whether unreasonable—Circumstances to be considered—Appeal to High Court—Whether court will interfere—Finance Act, 1960, ss. 47, 48, 56—R.S.C., Ord. 127, r. 6. **Dawes v. Inland Revenue Comrs.,** Buckley J. [1965] 1 W.L.R. 323.

Payments to retired partner under consultancy agreement assessed under Case VI of Schedule D—Whether entitled to earned income relief—Income Tax Act, 1952, s. 525 (1). **Hale v. Shea,** Buckley J. [1965] 1 W.L.R. 290.

Purchase and resale of property—Whether a joint venture in trade. **Dodd and Tanfield v. Haddock,** Buckley J. (1964) 42 T.C. 229.

Penalty

Fraud or wilful default—Appeal against penalties—Penalty on widow of taxpayer—Finance Act, 1960, ss. 46, 47, 48—R.S.C., Ord. 127, r. 6.
Dawes v. General Comrs. of Income Tax for Wallington, Buckley J. (1964) 42 T.C. 200.

Negligence in making returns—Evidence necessary to establish negligence—Finance Act 1960, ss. 47, 56.
Salmon v. General Comrs. for Havering, Pennycuick J. and C.A (1968) 45 T.C. 77.

Profits of profession

Accountancy practice—Liability for judgment omitted when accounts prepared—Subsequently settled for less—Whether estimate at time of accounts or loss actually suffered to be entered when correcting omission. **Simpson v. Jones,** Megarry J. [1968] 1 W.L.R. 1066.

Accountant ceasing to hold office as auditor of group of companies—Whether payment exempt as compensation for loss of office—Whether capital receipt of profession—Finance Act, 1960, s. 38 (3).
Ellis v. Lucas, Ungoed-Thomas J. [1967] Ch. 858; [1966] 3 W.L.R. 382.

Accountants—Cash or earnings basis—Whether proper to adopt different methods for different years—Income Tax Act, 1952, s. 122.
Wetton, Page & Co. v. Attwooll, Ungoed-Thomas J. [1963] 1 W.L.R. 114.
Shiner v. Lindblom, Danckwerts J. [1961] 1 W.L.R. 248.

Accountants ceasing to hold office as auditors of group of companies—Auditorship held as part of profession—Unsolicited payment as "solatium" for loss of office—Whether taxable as receipt of profession—Income Tax Act, 1952, Sch. D, Case II.
Walker v. Carnaby Harrower, Barham & Pykett, Pennycuick J. [1970] 1 W.L.R. 276.

Actor—Sale by actor of film rights in novel—Actor engaged to act in film of novel—Whether price received for film rights part of profits of profession as actor—Income Tax Act, 1952, Sch. D, Cases I, II.

Copyright—Gift of copyright by author—Whether author's copyright analogous to stock-in-trade—Value not attributable in professional accounts—Income Tax Act, 1952, Sch. D, Case II. **Mason v. Innes,** Goff J. [1967] Ch. 436; [1967] 2 W.L.R. 479.
C.A. [1967] Ch. 1079; [1967] 3 W.L.R. 816.

Profits of trade

Accountancy practice—Deposits—Bespoke tailoring—Deposits on order—Unclaimed—Whether trading receipts—Whether to be included in accounts for year of receipt.
Elson v. Prices Tailors Ltd., Ungoed-Thomas J. [1963] 1 W.L.R. 287.

——————Reserve—Moneylender—Whether deduction admissible in respect of reserve for expenses of collecting capital element of outstanding loans.
Monthly Salaries Loan Co. Ltd. v. Furlong, Wilberforce J. (1962) 40 T.C. 313.

——————Valuation—Stock—"Cost or market value whichever is lower"—Whether valued at replacement value or retail market price.
Freeman Hardy & Willis Ltd. (now B.S.C. Footwear Ltd.) v. Ridgway, Cross J. [1969] 1 W.L.R. 1488.

——————Work in progress—Method of valuation—Whether "on cost" or "direct cost" method applicable—Fact or law—Whether any principle involved.
Duple Motor Bodies Ltd. v. Inland Revenue Comrs., H.L.(E.) [1961] 1 W.L.R. 739.

Commodities—Investment in silver bullion as "hedge" against devaluation of sterling—Unexpected jump in price of silver—Sale at profit—Whether adventure in the nature of a trade. **Wisdom v. Chamberlain,** Goff J. [1968] 1 W.L.R. 1230.
C.A. [1969] 1 W.L.R. 275.

Compensation—Breach of contract—Contract of another company assigned to taxpayer company—Compensation for loss of profit.
Sommerfelds Ltd. v. Freeman, Plowman J. [1967] 1 W.L.R. 489.

REVENUE—*continued.*

Income tax—*continued.*

Profits of trade—continued.

Compensation—Cancellation of agency—Loss of prestige—Little change in general organisation of business—Whether revenue receipt.
Elson v. James G. Johnston Ltd., Cross J. (1965) 42 T.C. 545.

————Damages for physical damage to jetty and consequential damage for loss of use—Whether sterilisation of capital asset—Whether compensation for damage to physical capital asset or loss of profit.
London and Thames Haven Oil Wharves Ltd. v. Attwooll,
Buckley J. [1967] Ch. 772; [1966] 3 W.L.R. 325.
C.A. [1967] Ch. 772; [1967] 2 W.L.R. 743.

————Insurance—Ship replacements—Policies covering delay in delivery of ship—Whether in essence compensation for loss of profit or associated with price of ships.
Crabb v. Blue Star Line Ltd., Buckley J. [1961] 1 W.L.R. 1322.

————Termination of contract—Company with exclusive right to actor's services entered into contract with film company—Lump sum paid by film company on cancellation—Whether contract part of capital structure.
John Mills Productions Ltd. v. Mathias, Ungoed-Thomas J. (1967) 44 T.C. 441.

————Wrongful deprivation of profits by former proprietors and officers of company—Settlement of claim expressed as "alleged" diversion of goodwill—Whether trading receipt. **Roberts v. W. S. Electronics Ltd.,** Cross J. (1967) 44 T.C. 525.

Computation—Change of accounting date—Decision and direction by Inland Revenue Commissioners—Profits of nine months used in computation of profits for two separate years of assessment—Whether injustice—Whether double taxation—Income Tax Act, 1952, s. 127—Income Tax Management Act, 1964, Sch. 4.
Inland Revenue Comrs. v. Helical Bar Ltd., Pennycuick J. [1970] 1 W.L.R. 294.

————Commencement—Loss relief—Loss for first accounting period—Period when loss sustained part of basis period for computing profits of second and third years of assessment—Whether loss relieved to extent that entered into computation of profit—"Relief"—Income Tax Act, 1952, ss. 127, 128, 155, 342.
Westward Television Ltd. v. Hart, Pennycuick J. [1969] 1 Ch. 201;
[1968] 2 W.L.R. 504.
C.A. [1969] 1 Ch. 201; [1968] 3 W.L.R. 480.

Distribution of assets on liquidation of mutual insurance company—Insurance premiums paid to mutual company and deducted as trading expenses—Surplus distributed on liquidation—Whether repayment of premiums or distribution of capital.
Brogan v. Staffordshire Coal and Iron Co. Ltd., C.A. [1962] 1 W.L.R. 1195.
H.L.(E.) [1963] 1 W.L.R. 905.

Gambling—Club owner—Regularly played cards with members invariably successfully—Necessary to make profits because other profits only sufficient to cover overheads—Winnings not kept separate from other receipts of club—Whether winnings taxable as part of receipts of the business. **Burdge v. Pyne,** Pennycuick J. [1969] 1 W.L.R. 364.

Government grant to B.B.C.—Non-profit making body—Surplus remaining in hands at end of financial year out of moneys provided by Parliament—Whether profit liable to income tax.
British Broadcasting Corpn. v. Johns, C.A. [1965] Ch. 32; [1964] 2 W.L.R. 1071.

Insurance company holding substantial investments—Profits made on disposal of securities—Whether to be included in computation of profits for Schedule D, Case I purposes. **General Reinsurance Co. Ltd. v. Tomlinson,** Foster J. [1970] 1 W.L.R. 566.

"Know-how"—Disclosed to associated foreign company in return for shares therein—Whether value of shares capital or income receipt.
Wolf Electric Tools Ltd. v. Wilson, Pennycuick J. [1969] 2 All E.R. 724; 45 T.C. 326.

————Patent rights—Grant of exclusive licences in return for royalties—"Keep-out" covenants in consideration for lump sums—Whether lump sums capital receipts.
Murray v. Imperial Chemical Industries Ltd., Cross J. [1967] 1 W.L.R. 304.
C.A. [1967] Ch. 1038; [1967] 3 W.L.R. 301.

————Sale by manufacturers of aircraft engines—Aid in establishing foreign industries—Lump sum payments and royalties—Whether lump sums trading or capital receipts. **Inland Revenue Comrs. v. Rolls-Royce Ltd.,** C.A. [1961] 1 W.L.R. 897.
H.L.(E.) [1962] 1 W.L.R. 425.

————————Licensing agreements with foreign companies—Lump sums received—Whether trading receipts.
Musker v. English Electric Co. Ltd., Pennycuick J., C.A. and H.L.(E.)
(1964) 41 T.C. 556.

Leases—Premium and rents received on grant of leases—Building and contracting company—Whether trading in land and property.
Parkstone Estates Ltd. v. Blair, Ungoed-Thomas J. (1966) 42 T.C. 246.

REVENUE—*continued.*

Income tax—*continued.*

Profits of trade—continued.

Lump sums received by garage proprietor from petrol company under restrictive sales agreement—Whether capital or income.
Walter W. Saunders Ltd. v. Dixon, Wilberforce J. (1962) 40 T.C. 329.

New trade—Manufacturer of gas plant commencing manufacture of electrical appliances—Whether one trade or two—Whether new trade—Income Tax Act, 1952, s. 142 (1).
Cannon Industries Ltd. v. Edwards, Pennycuick J. [1966] 1 W.L.R. 580.

Options — Investment dealing company — Exercise of option to subscribe for shares — Whether option part of stock-in-trade—Whether exercise realisation of asset.
Yarty v. British South Africa Co., C.A. [1965] Ch. 508; [1964] 3 W.L.R. 698.
H.L.(E.) [1966] A.C. 381; [1965] 3 W.L.R. 47.

Payments received under covenant to meet trading deficit—Payor and payee traders—Whether trading receipt. **British Commonwealth International Newsfilm Agency Ltd. v. Mahany,** C.A. [1962] 1 W.L.R. 560.
H.L.(E.) [1963] 1 W.L.R. 69.

Property dealer and developer—Purchase of shares in company owning building leases—Liquidation of company after development of land—Whether loss on shares incurred in trade as property dealer and developer.
Fundfarms Development Ltd. (In Liquidation) v. Parsons, Buckley J. [1969] 1 W.L.R. 1735.

Receiver—Whether company subject to receivership capable of trading—Purchase of shares—Dividend paid—Claim to set off previous losses of taxpayer company against dividends—Loss claim—Income Tax Act, 1952, s. 341.
Lawson v. Hosemaster Co. Ltd., Cross J. [1965] 1 W.L.R. 1399.
C.A. [1966] 1 W.L.R. 1300.

Sale of business—Driving schools set up and sold—Goodwill—Whether trade of establishing and selling schools—Whether first sale trading by reason of subsequent sales.
Leach v. Pogson, Ungoed-Thomas J. (1962) 40 T.C. 585.

Sale of land—Building contractor—Purchase of site for development and sale or leasing—Sale of site undeveloped—No previous development for speculative building or sales of land—Whether trading.
Shadford v. H. Fairweather & Co. Ltd., Buckley J. (1966) 43 T.C. 291.

——————Ceylon—Land purchased for taxpayer's own use—Surplus divided into plots and sold—Whether adventure in nature of trade.
Iswera v. Inland Revenue Comr., P.C. [1965] 1 W.L.R. 663.

——————Farmer—Purchase of two fields—Admitted intention to resell part of one field for development—The whole of the other field sold for development also—Intention at time of purchase—Whether trading in land.
Turner v. Last, Cross J. (1965) 42 T.C. 517.

——————Housing society—Land including woodland bought and houses built and sold prior to 1941—No houses built since, one repurchased and sold—Registration in 1955 of society under the Industrial and Provident Societies Act, 1893—Unsuccessful application for planning permission for woodland—Sale of woodland—Whether society trading in land. **Haywards Heath Housing Society Ltd. v. Hewison,** Buckley J. (1966) 43 T.C. 321.

——————Land devised on trust for sale for benefit of vendor and another—Purchase by vendor of co-beneficiary's interest — Development and sale of land by vendor — Whether trading as estate developer.
Pilkington v. Randall, Cross J. and C.A. (1966) 42 T.C. 662.

——————Land purchased — Pre-war development — Isolated sales of houses — Most houses rented—Unsuccessful applications for planning permission—Sale to council under threat of compulsory purchase—Treatment in accounts as capital—Whether income.
Orchard Parks Ltd. (In Liquidation) v. Pogson, Buckley J. (1964) 42 T.C. 442.

——————Land purchased " as an investment "—Agricultural use—Possibility at time of purchase of compulsory purchase order by local authority—Appeal to Minister establishing residential use basis—Negotiated sale to same authority—Whether adventure in nature of trade.
Eames v. Stepnell Properties Ltd., Buckley J. and C.A. [1967] 1 W.L.R. 593.

——————Land purchased from company by employee—Contract for resale at profit entered into before original contract—Whether adventure in nature of trade.
Johnston v. Heath, C.A. [1970] 1 W.L.R. 1567.

——————Property acquired at less than half value—Whether commercial acquisition—Whether entitled to deduct market value only or actual cost in computing profits.
Jacgilden (Weston Hall) Ltd. v. Castle, Plowman J. [1969] 3 W.L.R. 839.

REVENUE—*continued.*

Income tax—*continued.*

Profits of trade—continued.

Sale of land—Property sold by subsidiary to parent company at substantial undervalue—Whether in course of trade.
Skinner v. Berry Head Lands Ltd., Goff J. [1970] 1 W.L.R. 1441.

————Purchase of land incidental to purchase of house for conversion—Subsequent sale of land—Incidental to stock-in-trade—Whether an investment—Capital or income receipt. **Snell v. Rosser, Thomas & Co.**, Ungoed-Thomas J. [1968] 1 W.L.R. 295.

————Timber merchants—Land and houses purchased from subsidiary and shares in subsidiary sold—Shares previously held as investment—Sale of land and some houses—Whether properties acquired as investments.
Lucy & Sunderland Ltd. v. Hunt, Cross J. [1962] 1 W.L.R. 7.

Sale of royalty rights—Oil concession originally stock-in-trade—Sold for perpetual royalty—Keep-out covenant—Royalty rights surrendered for lump sum—Whether royalty rights originally stock-in-trade—Whether royalty rights subsequently transmuted into fixed assets. **British-Borneo Petroleum Syndicate Ltd. v. Cropper,**
Plowman J. [1968] 1 W.L.R. 1701.

Sale of sub-agency — Sale by company holding exclusive distribution agency — Whether agency agreement a fixed capital asset — Whether consideration for sale taxable as trading receipt.
Fleming v. Bellow Machine Co. Ltd., Pennycuick J. [1965] 1 W.L.R. 873.

Sale of turves by farming company—Not produced for sale—Turf taken once and for all—Whether capital receipt—"Annual profits"—Income Tax Act, 1952, s. 122.
Lowe v. J. W. Ashmore Ltd., Megarry J. [1970] 3 W.L.R. 998.

Securities—Bank—Purchase of shares to support market in shares of associated company—Sale of shares to reduce indebtedness to clearing-house—Whether profit in course of trade. **Frasers (Glasgow) Bank Ltd. v. Inland Revenue Comrs.,**
Ct. of Sess. and H.L.(Sc.) (1963) 40 T.C. 698.

————Dividends—Dealer in securities—Whether dividends taxed at source trading receipts or investment income—Whether dealer "investment company"—Income Tax Act, 1952, ss. 257 (2), 525 (1). **F. S. Securities Ltd. v. Inland Revenue Comrs.,**
Ungoed-Thomas J. [1963] 1 W.L.R. 173.
C.A. [1963] 1 W.L.R. 1223.
H.L.(E.) [1965] A.C. 631; [1964] 1 W.L.R. 742.

————————Judge-made rule that dividends as such exempt from tax—Capital dividend received as trading receipt by trader in securities—Whether taxable as part of trading profit. **Cenlon Finance Co. Ltd. v. Ellwood**, Cross J. [1961] Ch. 50.
C.A. [1961] Ch. 634; [1961] 3 W.L.R. 242.
H.L.(E.) [1962] A.C. 782; [1962] 2 W.L.R. 871.

————Loss claim—Fall in value of shares—Company formed as dealer—Purchase price payable by instalments to depend on dividends received—Special dividend rights exhausting assets of companies—Whether transactions part of trade of share-dealing—Income Tax Act, 1952, s. 341. **Finsbury Securities Ltd. v. Inland Revenue Comrs.,**
Buckley J. [1965] 1 W.L.R. 358.
C.A. [1965] 1 W.L.R. 1206.
H.L.(E.) [1966] 1 W.L.R. 1402.

————————————————Company formed as part of scheme—Shares acquired at price to be quantified under complex formula—Dividends paid—Commercial profit even without fiscal advantage—Whether shares acquired as stock-in-trade—Whether loss incurred in trade of share-dealing—Income Tax Act, 1952, s. 341.
Thomson v. Gurneville Securities Ltd., Goff J. and C.A. [1970] 1 W.L.R. 477.

————————————————Dealer in securities — Purchase of shares in company involving loss if tax not recovered—Dividends paid—Whether trading transaction. **Cooper v. Sandiford Investments Ltd.**, Buckley J. [1967] 1 W.L.R. 1351.

————————Sale of shares—Also fall in value of shares—Importing company with no history of share-dealing—Purchase and sale of shares as additional activity—Whether dealing in securities.
Lewis Emanuel & Son Ltd. v. White, Pennycuick J. (1965) 42 T.C. 369.

————————————Company formed as dealer in securities—Forward dividend strip—Real transactions—Whether in course of trade—Income Tax Act, 1952, s. 341. **Johns v. Wirsal Securities Ltd.**, Pennycuick J. [1966] 1 W.L.R. 462.

————————————Dealer in securities—Purchase of specially created preferred ordinary shares carrying rights to all dividends for a specified period—Dividends paid—Whether transaction in nature of trade—Income Tax Act, 1952, s. 341.
Lupton v. F.A. & A.B. Ltd., Megarry J. [1968] 1 W.L.R. 1401.
C.A. [1969] 1 W.L.R. 1627.

REVENUE—*continued.*

Income tax—*continued.*

Profits of trade—continued.

Securities—Loss claim—Sale of shares—Dealer in securities—Sales at undervalue to associated company—Purchase of shares and creation of debentures—Dividends and debenture "interest" paid—Some of shares acquired in course of trade—Substitution of market value on sale—Whether commercial transactions—Income Tax Act, 1952, s. 341.
Ridge Securities Ltd. v. Inland Revenue Comrs., Pennycuick J. [1964] 1 W.L.R. 479.

————Whether sales in course of trade—Whether market value to be substituted—Income Tax Act, 1952, s. 341.
Petrotim Securities Ltd. v. Ayres, C.A. [1964] 1 W.L.R. 190.

————Newly formed partnership—Companies formed—Creation of reserves by gifts—Purchase of shares in companies—Dividends declared—Reserves and loss fictitious—Whether trading.
Johnson v. Jewitt, Buckley J. and C.A. (1961) 40 T.C. 231.

————No previous history of share-dealing—Purchase of shares—Dividend received—Whether trade of share-dealing—"Trade"—Income Tax Act, 1952, s. 341. **Griffiths v. J. P. Harrison (Watford) Ltd.,** H.L.(E.) [1963] A.C. 1; [1962] 2 W.L.R. 909.

————Purchase of shares in new hire-purchase company—New company incurred large bad debts—Shares sold at loss—Form of accounts changed to share-dealing—Shares in second company sold at loss—Whether dealing—Income Tax Act, 1952, s. 341.
Halefield Securities Ltd. v. Thorpe, Stamp J. (1967) 44 T.C. 154.

Timber merchants—Purchase of standing timber as reserve—Whether stock-in-trade or fixed capital. **Hopwood v. C. N. Spencer Ltd.,** Buckley J. (1964) 42 T.C. 169.

Trade—Meaning—Whether share-dealing. **Griffiths v. J. P. Harrison (Watford) Ltd.,** H.L.(E.) [1963] A.C. 1; [1962] 2 W.L.R. 909.

Valuation of unsold stock—"Cost or market value, whichever is lower"—Whether valued at replacement value or retail market value if lower than cost.
B.S.C. Footwear Ltd. v. Ridgway, C.A. [1970] 2 W.L.R. 888.

Purchased life annuity

Computation of capital element—Finance Act, 1956, ss. 27, 28—Income Tax (Purchased Life Annuities) Regulations, 1956. **Rose v. Trigg,** Wilberforce J. (1963) 41 T.C. 365.

Rent

Deduction—Excess of costs of maintenance, etc. in five years ending 1963–64 over reliefs available for those years—Income Tax Act, 1952, s. 101 (1)—Finance Act, 1963, s. 15, Sch. D, Case VIII, Sch. 4, para. 11. **Stott v. Anderton,** Plowman J. (1969) 46 T.C. 71.

Excess rent—Computation—Royalties of sand-pit—Assessment—Actual or notional receipts—Income Tax Act, 1952, s. 82 (Sch. A, paras. 1, 2), s. 175 (1) (*a*).
Tollemache Settled Estates Trustees v. Coughtrie, H.L.(E.) [1961] A.C. 880; [1961] 2 W.L.R. 318.

————Payments for possession of property—Whether rent or instalments of purchase price—Income Tax Act, 1952, ss. 172, 175.
Martin v. Routh, Ungoed-Thomas J. (1964) 42 T.C. 106.

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Grosvenor Place Estates Ltd. v. Roberts, C.A. [1961] Ch. 148; [1961] 2 W.L.R. 83.

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Purchase of capital asset in consideration of rentcharge—Right of payor to deduct income tax—Dissection between income and capital—Income Tax Act, 1952, s. 177.
Inland Revenue Comrs. v. Land Securities Investment Trust Ltd.,
Cross J. [1968] 1 W.L.R. 423.
C.A. [1968] 1 W.L.R. 1446.
H.L.(E.) [1969] 1 W.L.R. 604.

Repayment

Accumulated income—Accumulated for beneficiary under discretionary trusts until age of 25—Whether beneficiary entitled to relief from tax—Income Tax Act, 1952, s. 228.
Lynch v. Davies, Ungoed-Thomas J. (1962) 40 T.C. 511.

Schedule A

Annual value—Flat—Newly assessed as separate property—How annual value to be determined—Income Tax Act, 1952, ss. 82, 84 (3), 109, Sch. A, para. 2 (*b*)—Finance Act, 1957, s. 18. **Jellinek v. Myall,** Goff J. (1966) 44 T.C. 85.

REVENUE—*continued.*

Income tax—*continued.*

Schedule A—continued.

"Cost of management"—Rents misappropriated by fraudulent agent—Whether deductible —Income Tax Act, 1952, s. 101.
Pyne v. Stallard-Penoyre, Buckley J. [1965] Ch. 705; [1965] 2 W.L.R. 120.

Division of occupation—Valuation between revaluation years—Farm containing gravel pit—Pit sold—Unit of assessment—Determination of annual value—Whether by apportionment of value of farm unit or revaluation as "new property"—Income Tax Act, 1952, ss. 82, 84, 108.
De Voil v. Welford Gravels Ltd., C.A. [1963] Ch. 95; [1962] 3 W.L.R. 489.
H.L.(E.) [1965] A.C. 34; [1963] 3 W.L.R. 292.

"Landlord"—Property purchased and registered in names of third parties—Purchaser provides purchase-money and enjoys rents—Ten shillings a week paid to registered proprietor—Whether purchaser the "landlord"—Income Tax Act, 1952, s. 109, Sch. 7, Pt. 1.
Soul v. Irving, Buckley J. and C.A. (1963) 41 T.C. 517.

Relief for maintenance of property—Time limit for claims—Income Tax Act, 1952, ss. 101, 307, Sch. 6. **Bulkeley-Gavin v. Inland Revenue Comrs.,** Ct. of Sess. (1965) 42 T.C. 320.

Schedule B

Commercial woodlands—Taxpayer used own timber for trade of manufacturing boxes—Stage at which timber passed from Schedule B activity to Schedule D—Income Tax Act, 1952, s. 83. **Collins v. Fraser,** Megarry J. [1969] 1 W.L.R. 823.

Woodlands managed on a commercial basis—Whether election for assessment under Schedule D instead of under Schedule B constitutes occupation of woodlands as trade—Sale of woodlands—Whether growing timber trading stock—Income Tax Act, 1952, ss. 125, 143. **Coates v. Holker Estates Co.,** Plowman J. (1961) 40 T.C. 75.

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Schedule D, Case II. See Expenses of trade or profession (Schedule D); Profits of profession.

Schedule D, Case III. See Annual payments.

Schedule D, Case V

Beneficiary of foreign trust established by will—Immediate right to one quarter of income and to yearly instalments of one per cent. of trust estate—Right to whole income on death of father—Whether yearly instalments income or capital—Whether each provision in will gave rise to separate source under Case V.
Inchyra (Baron) v. Jennings, Pennycuick J. [1966] Ch. 37; [1965] 3 W.L.R. 166.

Company—Foreign possessions—Dividend paid by foreign company out of "share premium reserve"—Payment regarded as capital under foreign law—Effect of distribution on corpus of foreign possession—Whether receipt of capital or income from foreign possession. **Courtaulds Investments Ltd. v. Fleming,** Buckley J. [1969] 1 W.L.R. 1683.

——————Shares held by English investment holding company in Maryland corporation—Distribution by Maryland corporation of shares in another Maryland corporation—"Partial liquidation"—Whether income arising from foreign possessions. **Rae v. Lazard Investment Co. Ltd.,** H.L.(E.) [1963] 1 W.L.R. 555.

Stock dividends distributed by United States companies to trustee of Californian trust—Nature of stock dividends in Californian law—"Pennsylvania Rule"—Whether stock dividends income in hands of trustee—Whether income in taxpayer's hands—Income Tax Act, 1952, ss. 122, 123.
Lawson v. Rolfe, Foster J. [1970] Ch. 612; [1970] 2 W.L.R. 602.

Schedule D, Case VI

Auctioneer and estate agent—Payment in consideration of withdrawal from participation in business venture—Whether to be taken into account in computing profits of taxpayer's firm—Alternatively, whether gratuitous payment to taxpayer—Payment made pursuant to enforceable contract—Schedule D, Cases II, VI—Income Tax Act, 1952, s. 123.
Scott v. Ricketts, Cross J. [1967] 1 W.L.R. 90.
C.A. [1967] 1 W.L.R. 828.

Leased racehorse—Lessor to receive sum representing half of all payments received in respect of horse's winnings—Whether taxable in lessor's hands—Case VI of Schedule D—Income Tax Act, 1952, s. 123. **Norman v. Evans,** Buckley J. [1965] 1 W.L.R. 348.

Payment to taxpayer in event of payer purchasing certain property not owned by taxpayer for less than £100,000—Whether implied contract for some service to be performed by taxpayer—Whether payment chargeable under Schedule D, Case VI.
Dickinson v. Abel, Pennycuick J. [1969] 1 W.L.R. 295.

REVENUE—*continued.*

Income tax—*continued.*

Schedule D, Case VI—continued.

Profits from securities acquired from associate company—Whether associate company a "dealing company"—Whether securities "stock-in-trade" of dealing company—Finance Act, 1960, ss. 25 (1), 43 (4).
General Reinsurance Co. Ltd. v. Tomlinson, Foster J. [1970] 1 W.L.R. 566.

Waste material lying on land—Whether part of the land—Payments for right to remove—Whether easement in connection with mining concern within meaning of section 180 of Income Tax Act, 1952 and proviso to paragraph 1 of Schedule D in section 82 of Act—Liability under Case III of Schedule D—Income Tax Act, 1952, ss. 82, 180.
Rogers v. Longsdon, Stamp J. [1967] Ch. 93; [1966] 2 W.L.R. 861.

Schedule D, Case VII

Date of acquisition—Land held prior to April 6, 1965—Whether "conditional contract"—Finance Act, 1962, s. 12 (2), Sch. 9, para. 1.
Eastham v. Leigh London and Provincial Properties Ltd., Goff J. [1970] 3 W.L.R. 848.

Schedule D, Case VIII

Contract conferring right to take turves—Whether profit à prendre—Whether "right to use land"—Finance Act, 1963, ss. 15 (1), 28 (3).
Lowe v. J. W. Ashmore Ltd., Megarry J. [1970] 3 W.L.R. 998.

Excess rents—Deduction—Payment to avoid forfeiture of head lease not deductible—Discovery—No agreement binding on Crown where full facts not disclosed—Income Tax Act, s. 510. **Banning v. Wright,** Foster J. (1969) T.C. Leaflet No. 2341.

Farmer—Part of farm demised to tenant on repairing lease—Loss to owner from dilapidations during tenancy—Not a trading loss—Receipts from licence to cut grass, etc.—Assessable as excess rents or under Schedule D, Case VIII—Income Tax Act, 1952, s. 175—Finance Act, 1963, s. 15 (1) (*c*).
Bennion v. Roper, Pennycuick J. (1969) T.C. Leaflet No. 2348.

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Schedule F

Excess dividend—Exemption from liability—Company paying second interim dividend before April 6, 1966, knowing that if paid on or after that date it would attract tax under Schedule F—Interim dividend in excess of standard amount—Company aware of but not concerned with excess—Whether company's main purpose to avoid or reduce "liability" under Schedule F—Whether company exempt from assessment under Schedule F in respect of excess—Finance Act, 1965, s. 83 (1) (11).
Bromilow & Edwards Ltd. v. Inland Revenue Comrs.,
Megarry J. [1969] 1 W.L.R. 1180.
C.A. [1970] 1 W.L.R. 128.

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Mutual exclusivity—Schedules D and E—Two-job men—Expenses—Medical consultants.
Mitchell and Edon v. Ross, H.L.(E.) [1962] A.C. 813; [1961] 3 W.L.R. 411.

Settlement. (See also Covenant.)

Bona fide commercial transaction—Avoiding take-over bid—Whether an "arrangement"—Income Tax Act, 1952, ss. 404 (2), 405 (1), 409 (1) (2) (5), 411 (2), 415 (1).
Bulmer v. Inland Revenue Comrs., Pennycuick J. [1967] Ch. 145; [1966] 3 W.L.R. 672.

Infant children — Series of transactions by parent to avoid surtax on large earnings — Subsequent settlement on children by grandfather—Payment of incomes for children out of dividends from company formed to exploit parent's services—Whether series of transactions not contemporaneous with settlement an "arrangement"—Whether funds for purpose of the settlement provided indirectly by parent—Whether children's income income of parent for tax purposes—Income Tax Act, 1952, ss. 397 (1) (2), 403.
Crossland v. Hawkins, C.A. [1961] Ch. 537; [1961] 3 W.L.R. 202.

Revocability — Children and remoter issue and their wives, husbands, widows and widowers—Settlement by settlor on—Special power to appoint whole fund to one of class of beneficiaries absolutely—Whether settlement "provided" for its determination "by the act . . . of any person"—Whether irrevocable—Meaning of "determination"—Income Tax Act, 1952, ss. 398, 399 (*b*).
Jamieson v. Inland Revenue Comrs., H.L.(E.) [1964] A.C. 1445; [1963] 3 W.L.R. 156.

————Whether settlor "able to have access" to income—Settlor a trustee—Whether assessable personally on income of settlement—Tanganyika—East Africa.
Naranjee v. Income Tax Comr., P.C. [1964] A.C. 1238; [1964] 2 W.L.R. 1052.

REVENUE—*continued.*

Income tax—*continued.*

Settlement—continued.

Trust for accumulation during life of settlor—Contingent interest of settlor's wife—Whether statutory power of advancement applicable—Whether income to be treated as income of settlor—Trustee Act, 1925, ss. 32 (1), 69 (2)—Income Tax Act, 1952, s. 405 (1) (2).
Inland Revenue Comrs. v. Bernstein, C.A. [1961] Ch. 399; [1961] 2 W.L.R. 143.

Stock-in-trade. See Profits of trade.

Subvention payment

Change of accounting date—Income Tax Act, 1952, s. 127 (2)—Finance Act, 1953, s. 20 (1) (7). **Sheard Binnington Ltd. v. Morris,** Cross J. (1966) 43 T.C. 665.

Succession to trade. (See also Discontinuance of trade.)

Company — Deduction of trading loss of company on reconstruction without change of ownership—Company in voluntary liquidation bought shares in new company formed to take over assets and contracts in old company—Shares in old company bought by liquidator — Whether not less than three-quarter share in business owned by same persons before purchase by new company—Finance Act, 1954, s. 17.
Pritchard v. M. H. Builders (Wilmslow) Ltd., Cross J. [1969] 1 W.L.R. 409.

Date of succession—New company succeeding to another's trade—No documentary assignment of business or assets.
Aeraspray Associated Ltd. v. Woods, Buckley J. (1964) 42 T.C. 207.

Loss in trade—Loss—Losses forward—Trade assigned by company to subsidiary—Share capital of subsidiary previously sold subject to condition precedent for benefit of purchaser—Condition still outstanding—Whether beneficial interest in capital had passed—Income Tax Act, 1952, s. 342—Finance Act, 1954, s. 17.
Wood Preservation Ltd. v. Prior, Goff J. [1968] 2 All E.R. 849; 45 T.C. 701.

————————Losses forward—Trade sold by company to subsidiary—Capital of subsidiary acquired by outside company—Whether transfer of beneficial interest in capital subsequent to succession to trade—Income Tax Act, 1952, s. 342—Finance Act, 1954, s. 17. **Blower v. Langworthy Bros. (Drills) Ltd.,** Goff J. (1968) 44 T.C. 543.

"Permanently discontinued"—Succession to trade of subsidiary—Shipping—Acquisition of subsidiary's ships—Ships subsequently sold and replaced—No goodwill attaching to ships—Whether subsidiary's trade "permanently discontinued"—Finance Act, 1954, s. 17, Sch. 3, para. 2.
Aviation and Shipping Co. Ltd. v. Murray, Danckwerts J. [1961] 1 W.L.R. 129.
C.A. [1961] 1 W.L.R. 974.

Trade union

Provident benefits—Claim for exemption from income tax—Whether applicable for provident benefits only—Whether legal assistance and other legal expenses "provident benefits"—Income Tax Act, 1952, ss. 440 (2), 441.
Reg. v. Income Tax Special Comrs., *Ex parte* **National Union of Railwaymen,** Divl.Ct. [1967] 1 W.L.R. 263.

Transfer of assets abroad

"Associated operations"—"Power to enjoy" income—Income Tax Act, 1952, s. 412 (1).
Inland Revenue Comrs. v. Herdman, H.L.(N.I.) [1969] 1 W.L.R. 323.

Avoidance of tax—Assets transferred without purpose of avoiding United Kingdom taxation—Income accumulated with such a purpose—Income Tax Act, 1952, ss. 412, 413.
Herdman v. Inland Revenue Comrs., C.A.(N.I.) (1967) 45 T.C. 394.

Widower's allowance

Relief for wages of "nurse" for widow's children—Whether residence required in case of non-relative—Children at school—Looking after children during illness and holidays—"Charge and care"—Income Tax Act, 1952, s. 214.
Barentz v. Whiting, Ungoed-Thomas J. [1964] 1 W.L.R. 1259.
C.A. [1965] 1 W.L.R. 433.

Pool betting duty. *See* CUSTOMS AND EXCISE.

Profits tax. (*See also* **Income tax.**)

Avoidance

Capitalisation of profits followed by liquidation and reconstruction—Distribution by liquidator—Whether avoidance or reduction of liability to profits tax main purpose or main benefit which might be expected to accrue from transactions—Finance Act, 1947, ss. 35 (1), 36 (4)—Finance Act, 1951, s. 32. **Jarvis Robinson Transport Ltd. v. Inland Revenue Comrs.,** Pennycuick J. (1963) 41 T.C. 410.

REVENUE—*continued.*

Profits tax—*continued.*

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E. Y. L. Trading Co. Ltd. v. Inland Revenue Comrs., Cross J. [1961] 1 W.L.R. 1516.
C.A. [1962] 1 W.L.R. 1072.

Business transferred

Election—Distribution charge—Finance Act, 1947, ss. 30 (3), 35 (1) (*c*), 36 (4).
Inland Revenue Comrs. v. J. B. Hodge & Co. (Glasgow) Ltd.,
H.L.(Sc.) [1961] 1 W.L.R. 1218.

Capital allowances

Expenditure reimbursed by Government grant—Whether "met directly or indirectly by the Crown"—Income Tax Act, 1952, s. 332 (1).
Cyril Lord Carpets Ltd. v. Schofield, Lowry J. and C.A.(N.I.) (1965) 42 T.C. 637.

Directors' remuneration

Deduction for remuneration of directors (other than whole-time directors) of director-controlled company—Finance Act, 1937, Sch. 4, para. 11 (as amended by Finance Act, 1952, s. 34). **Inland Revenue Comrs. v. D. Devine & Sons Ltd.**,
McVeigh J. and C.A. (1963) 41 T.C. 210.

Distribution charge

Gross relevant distributions—Dividend not expressed to be paid for any period—Accounting period in which dividend paid divided into separate chargeable accounting periods—Whether dividend apportionable over whole accounting period—Finance Act, 1947, ss. 35 (1), 37.
T.S.S. Investments Ltd. v. Inland Revenue Comrs., Plowman J. (1961) 40 T.C. 85.

————Principal and subsidiary companies—Grouping notice followed by division of subsidiary's accounting period into two chargeable accounting periods by reference to date of entry into group—Dividend declared for second period—Whether apportionable over whole accounting period—Whether retrospective division valid—Finance Act, 1937, s. 22—Finance Act, 1947, ss. 35 (1), 37, 38.
Binns Ltd. v. Inland Revenue Comrs., Pennycuick J., C.A. and H.L.(E.)
(1964) 41 T.C. 598.

————Reversion to flat rate of tax—Transitional provisions—Additional sum deemed to be a distribution—Method of computation—Finance Act, 1953, s. 25, Sch. 7 (1). **Inland Revenue Comrs. v. Craven Bros. (Manchester) Ltd.**,
Ungoed-Thomas J. (1962) 40 T.C. 595.

Holding company owning and holding trading company's share capital—Grouping notice by holding company—Trading company's profits taxable as holding company's profits—Voluntary winding up by both companies—Assessment to profits tax on both companies—Distribution charge on holding company—Whether chargeable accounting period ended by holding company's winding up was that company's last chargeable accounting period—Whether distribution charge justified—Finance Act, 1937, s. 19 (2) (4)—Finance Act, 1938, s. 42 (1) (3)—Companies Act, 1948, s. 281.
Inland Revenue Comrs. v. Olive Mill Ltd. (In Liquidation), Buckley J.
[1963] 1 W.L.R. 712.

Investment income

Subsidiary companies ceasing to trade—Subsequent distribution of dividends—Whether dividends from "a body corporate carrying on a trade or business"—Finance Act, 1937, s. 19, Sch. 4, para. 7 (1) (*a*) (as amended).
Inland Revenue Comrs. v. Clifforia Investments Ltd.,
Ungoed-Thomas J. [1963] 1 W.L.R. 396.

Nationalised industry

Compensation—Parent company and subsidiary—Subsidiary a former colliery company—Dividends paid by subsidiary—Receipt of interim payments—Subsidiary remaining in being solely to receive compensation—"Function" of "holding" property—Dividends received by parent company not "franked investment income"—Finance Act, 1937, s. 19 (4).
Henry Briggs & Co. Ltd. v. Inland Revenue Comrs., H.L.(E.) [1961] 1 W.L.R. 68.

Rent

Long lease surrendered, shorter lease at higher rent with freehold reversion acquired—Whether whole of higher rent deductible in computing profits of trade—Whether wholly and exclusively laid out for purpose of trade—Whether capital withdrawn from or money intended to be used as capital in the trade—Income Tax Act, 1952, s. 137 (*a*) (*f*).
Littlewoods Mail Order Stores Ltd. v. McGregor, Plowman J. [1968] 1 W.L.R. 1820.

REVENUE—*continued.*

Profits tax—*continued.*

Rentcharge

Purchase of capital assets in consideration of rentcharge—Whether rentcharge deductible in computing profits—Dissection between income and capital—Finance Act, 1937, s. 20 (1), Sch. 4, para. 4—Finance (No. 2) Act, 1940, s. 14 (1)—Income Tax Act, 1952, s. 137. **Inland Revenue Comrs. v. Land Securities Investment Trust Ltd.,**
Cross J. [1968] 1 W.L.R. 423.
C.A. [1968] 1 W.L.R. 1446.
H.L.(E.) [1969] 1 W.L.R. 604.

Purchase tax. (*See also* **Customs and excise.**)

Certificate of registration

Condition—Requirement that registered person make representations as being holder only in such circumstances, and as respects such classes of goods, "as the commissioners may from time to time direct"—No directions given by commissioners—Whether requirement intra vires—Purchase Tax Act, 1963, s. 6 (4) (*b*).
B. Marsh (Wholesale) Ltd. v. Comrs. of Customs and Excise,
Dunn J. [1970] 2 Q.B. 206; [1970] 2 W.L.R. 715.

Chargeable goods

Fresh fruit juice—Juice extracted from single orange for particular person—Juice squeezed by hand—Sale to hotel guest in natural state with no additives—Whether "manufactured beverages"—"Including"—Whether chargeable goods—Purchase Tax Act, 1963, Sch. 1, Pt. I, group 35.
Comrs. of Customs and Excise v. Savoy Hotel Ltd., Sachs J. [1966] 1 W.L.R. 948.

Plastic lids for coffee tins—Purchased in bulk separately from tins of coffee and fitted before sale to public at inclusive price—Designed to enable tins to be reclosed after hermetic metal seal cut open—Whether taxable as "Hardware" or "Kitchen-ware"—Purchase Tax Act, 1963, ss. 1 (1), 2 (1), 4 (1), 9 (1) (2), Sch. 1, Pt. I, rr. 1, 2, 3, group 11 (*a*). **Pioneer Plastic Containers Ltd. v. Comrs. of Customs and Excise (No. 2),**
Pennycuick J. [1968] 1 W.L.R. 236.

Ribena black-currant juice B.P.C.—Added vitamin C—Whether "manufactured beverage"—Whether drug or medicine or "excipient, vehicle, base or preservative"—Test of chargeability—Classification at wholesale stage—Purchase Tax Act, 1963, ss. 1 (1), 2 (1) (2), Sch. 1, Pt. I, groups 33, 35—Purchase Tax (No. 1) Order, 1966, para. 1, Sch., head III. **Beecham Foods Ltd. v. Comrs. of Customs and Excise,**
Ungoed-Thomas J. [1969] 1 W.L.R. 1518.

Sweetened popcorn—Dried maize grains absorbing sugar and edible oil during cooking—Grains unsuitable for human consumption unless cooked—Substantial sugar content—Sale at fair and from stall—Whether taxable as "chocolates, sweets and similar confectionery"—"Confectionery"—Whether chargeable goods—Purchase Tax Act, 1963, Sch. 1, Pt. I, group 34. **Comrs. of Customs and Excise v. Popcorn House Ltd. (Note),**
Lawton J. [1969] 1 Q.B. 760; [1968] 3 W.L.R. 1207.

——————Heat expanded maize coated with sugar, glucose, salt and butter mixture—Product packaged as confectionery—Substantial sugar content—Distribution to cinemas or through confectioners—Whether taxable as "chocolates, sweets and similar confectionery"—Whether cereal—Whether "confectionery"—Purchase Tax Act, 1963, Sch. 1, Pt. I, group 34.
Comrs. of Customs and Excise v. Clark's Cereal Products Ltd. (Note),
Lawton J. [1969] 1 Q.B. 755; [1968] 3 W.L.R. 1203.

Toffee apples—Fresh dessert apples dipped in sugar, glucose and water mixture—Highly perishable product—Sale through greengrocers' shops and supermarkets—Not sold in confectioners' shops—Whether taxable as "chocolates, sweets and similar confectionery"—"Confectionery"—Whether chargeable goods—Purchase Tax Act, 1963, Sch. 1, Pt. I, group 34. **Candy Maid Confections Ltd. v. Comrs. of Customs and Excise,**
Cross J. [1969] 1 Ch. 611; [1968] 3 W.L.R. 1196.

Diaries

Taxpayer publishing diaries—Supplied free of charge to particular church or chapel on taxpayer's instructions—Taxpayer obtaining advertisements—Taxpayer's business sale of advertisements for insertion in diaries—Whether diaries made "for use in or in connection with a business carried on by" taxpayer—Whether diaries "applied or appropriated" to taxpayer's use—Whether diaries were "in the ownership" of taxpayer—Finance (No. 2) Act, 1940, s. 25 (1)—Finance Act, 1962, s. 6 (3).
Warwickshire Publishing Co. Ltd. v. Comrs. of Customs and Excise,
Cross J. [1969] 1 W.L.R. 240.
C.A. [1970] 1 W.L.R. 457.

Furnishing of incomplete return

Determination by commissioners of amount due—Demand for payment within seven days—Determination and demand made under regulation 12 of Purchase Tax Regulations, 1945—Whether regulation ultra vires commissioners—Finance (No. 2) Act, 1940, s. 33—Purchase Tax Regulations, 1945, reg. 12.
Comrs. of Customs and Excise v. Cure & Deeley Ltd., Sachs J. [1962] 1 Q.B. 340;
[1961] 3 W.L.R. 798.

REVENUE—*continued.*

Purchase tax—*continued.*

" Furniture "

Dressing table units—Whether furniture—Whether ordinarily installed by builders as fixtures—Liability to purchase tax—Purchase Tax Act, 1963, Sch. 1, Pt. I, group 11.
F. Austin (Leyton) Ltd. v. Comrs. of Customs and Excise, Stamp J. [1968] Ch. 529; [1968] 3 W.L.R. 1013.

" Kits " comprising components ready for assembly into storage units—Whether furniture or fixtures—Whether for domestic or office purposes—Whether of a kind ordinarily installed by builders—Finance Act, 1958, s. 1 (1) (2), Sch. 2, group 11.
Comrs. of Customs and Excise v. H. G. Kewley Ltd., C.A. [1965] 1 W.L.R. 786.

Valuation of goods

Football pool coupons—Copyright—Tax on the wholesale value of goods in the open market—Only one possible buyer—Whether " open market " limited by the particular factors of the sale—Finance (No. 2) Act, 1940, s. 21 (1), Sch. 8.
J. & C. Moores Ltd. v. Comrs. of Customs and Excise, Megaw J. [1963] 1 W.L.R. 356.
C.A. [1963] 1 W.L.R. 1105.
H.L.(E.) [1964] 1 W.L.R. 817.

Ice-cream—" Wholesale value " of goods—Two classes of retail traders—Different wholesale prices—Whether van traders enjoy " purchasing advantage over retail traders in general "—Whether " open market "—Purchase Tax Act, 1963, ss. 1 (1), 3 (1) (2), Sch. 1, Pt. I, group 28.
Morisis Products Ltd. v. Comrs. of Customs and Excise, C.A. [1969] 1 W.L.R. 1585.

Selective employment tax

Premium

Activity in which establishment engaged—Publishing—Three journalists employed in London by Canadian publishers to collect news for newspapers published in Canada—Whether activities carried on in London fell within minimum list heading No. 486—Smaller activity not shown to be part of a larger activity of publishers—Whether editorial staff of publishers within heading No. 486—Selective Employment Payments Act, 1966, s. 1 (2). **Minister of Labour v. Southam News Services of Canada,** D.C. [1968] 1 All E.R. 310.

Manufacturers of prefabricated buildings—" Establishment "—Sites for erection of buildings—Evidence restricted to one test site—Varying numbers of workers—Hut used for discussion and study of plans—Overall control with manufacturers—Whether employment on sites " in, or carried out from, an establishment "—Whether sites separate establishments—Selective Employment Payments Act, 1966, s. 1 (2) (*a*).
Secretary of State for Employment and Productivity v. Vic Hallam Ltd., D.C. (1969) 8 K.I.R. 623.

Qualifying activities

" Agricultural contracting "—Company carrying out grass cutting, hedging, ditching, fertilising, landscaping, etc., on Ministry aerodromes and service stations under contract—Whether " agricultural contracting "—Selective Employment Payments Act, 1966, s. 2 (1) (2) (3)—Standard Industrial Classification, Rev. 1958, Ord. I, m.l.h. 001.
Watts of Calcot Ltd. v. Minister of Agriculture, Fisheries and Food, C.A. (1969) 7 K.I.R. 494.

Breeding of cats and dogs for sale for research—" Agriculture " includes " livestock breeding and keeping . . ."—Whether " livestock breeding and keeping " restricted by definition of " livestock "—Selective Employment Payments Act, 1966, ss. 2 (2) (*a*) (3) (*e*), 10 (1). **Minister of Agriculture, Fisheries and Food v. Appleton,** D.C. [1970] 1 Q.B. 221; [1969] 3 W.L.R. 755.

Cargo superintendents— Import of cotton—Whether involved in " unloading of vessel "—Whether " forwarding agents "—Selective Employment Payments Act, 1966, s. 2—Standard Industrial Classification (1958 Rev.), Ord. XIX, 705, 709.
Cotton Controllers (Liverpool) Ltd. v. Secretary of State for Employment and Productivity, D.C. [1969] 2 Lloyd's Rep. 323.

Designers of machine tools—Whether establishment engaged in " activities falling under " minimum list heading 332 Metal-working machine tools " in Standard Industrial Classification — Whether manufacturing tools — " Falling under " — " Activities " — Selective Employment Payments Act, 1966, s. 1 (2) (*a*) (*i*).
Lord Advocate v. Reliant Tool Co., H.L.(Sc.) [1968] 1 W.L.R. 205.

Electrical contractors—Work for electricity boards—Whether engaged in " activities falling under " minimum list heading " 602 Electricity " in Standard Industrial Classification — Whether " Construction " — Whether " production and distribution " for public supply—" Activities "—Selective Employment Payments Act, 1966, s. 2 (2) (*a*) (3).
C. Maurice & Co. Ltd. v. Minister of Labour, C.A. [1968] 1 W.L.R. 1337.
H.L.(E.) [1969] 2 A.C. 346; [1969] 2 W.L.R. 797.

REVENUE—*continued.*

Selective employment tax—*continued.*

Qualifying activities—continued.

"For office purposes"—Whether activities of post office workers non-qualifying—Selective Employment Payments Act, 1966, ss. 2, 10—Offices, Shops and Railway Premises Act, 1963, s. 1.
Ministry of Labour v. Morgan, Divl.Ct. [1968] 1 Q.B. 213; [1967] 3 W.L.R. 687.

Gardener engaged partly on vegetables marketed commercially, partly on growing flowers and vegetables for house—Whether employment must be wholly or mainly "by way of business" in specified activity—Selective Employment Payments Act, 1966, s. 2 (1) (2) (3). **Minister of Agriculture, Fisheries and Food v. Mason,** D.C. [1969] 1 Q.B. 399; [1968] 3 W.L.R. 810.

Metal working firms buying sheet metal from stockists and supplying blanks of metal cut to precise measurements required by manufacturers—Whether dealers "in . . . metals" —Whether manufacturers—Selective Employment Payments Act, 1966, s. 1 (2) (*a*) (*b*).
Minister of Labour v. Genner Iron & Steel Co. (Wollescote) Ltd. (No. 2), Divl.Ct. [1967] 1 W.L.R. 1390.

Press photographic agency—Whether minimum list headings mutually exclusive—Whether trade meaning or dictionary meaning—Standard Industrial Classification, Ord. 486, m.l.h. 899.2.
Central Press Photos Ltd. v. Department of Employment and Productivity, C.A. [1970] 3 All E.R. 775; 9 K.I.R. 55.

Refrigerating machinery—Whether assembly of parts can amount to manufacture—Assembly of parts of refrigerating machinery in cooling rooms—Whether "manufacturing"—Whether "construction"—"Installing"—Selective Employment Payments Act, 1966, s. 1 (2) (*a*) (*b*).
Prestcold (Central) Ltd. v. Minister of Labour, Divl.Ct. [1968] 1 W.L.R. 741.
C.A. [1969] 1 W.L.R. 89.

Repair of washing machines—Manufacturers' after-sales service—Whether "repair work" or "manufacturing . . . washing machines" or "repair of . . . domestic appliances" —"Activities"—Selective Employment Payments Act, 1966, s. 1 (2) (*a*) (*b*).
Fisher-Bendix Ltd. v. Secretary of State for Employment and Productivity, C.A. [1970] 1 W.L.R. 856.

Vermin destruction—Company engaged in destruction of vermin—Employees working on farms and in other establishments—25 per cent. of turnover from work done on farms—Whether employees engaged wholly or mainly in "ancillary activities" to farming —Selective Employment Payments Act, 1966, s. 2 (1) (2) (3)—Standard Industrial Classification, Rev. 1958, Ord. I, m.l.h. 001.1.
Minister of Agriculture, Fisheries and Food v. Ratsouris Ltd., D.C. (1969) 6 K.I.R. 173.

Waste paper merchants—Company acquiring waste paper—Waste paper sorted, graded and baled—Supplying to manufacturers of paper and board—Whether part of "manufacturing . . . paper and board"—"Manufacture"—Whether company "dealers in waste paper"—Selective Employment Payments Act, 1966, s. 1 (2) (*a*)—Standard Industrial Classification, 1958 Rev., Ord. XV, m.l.h. 481, Ord. XVI, m.l.h. 499.2, Ord. XX, m.l.h. 832.6.
Carfax Waste Paper Co. Ltd. v. Minister of Labour, D.C. [1968] 1 W.L.R. 1166.

Whether activities of petroleum company refuelling aircraft at airport within heading "air transport"—Whether activities by way of the sale of goods—Powers of Divisional Court on appeal—Selective Employment Payments Act, 1966, ss. 2, 10—Tribunal and Inquiries Act, 1958, s. 9. **Esso Petroleum Co. Ltd. v. Ministry of Labour,** C.A. [1969] 1 Q.B. 98; [1968] 3 W.L.R. 815.

Refunds

Whether employers' registered office and two branch offices were separate entities—Whether employment of tugmen carried out at registered office or branch office—Selective Employment Payments Act, 1966, s. 2 (2).
Minister of Labour v. Tyne Tugs Ltd., Divl.Ct. [1968] 1 Lloyd's Rep. 1.

Stamp duty

Bill of exchange

Claim on dishonoured bills—Whether bills were properly stamped—Alternative claim by plaintiff holders for money had and received and/or breach of alleged implied warranty—Whether bills admissible in evidence for any purpose whatever—Whether transactions involving purchase of bills were moneylending—Alleged non-presentation on due dates and/or failure to give proper notice of dishonour—Meaning of "in the same place"—Stamp Act, 1891, ss. 14 (4), 38 (as amended by Finance Act, 1961, s. 33)—Bills of Exchange Act, 1882, ss. 45, 46 (2), 49 (5) (12).
Hamilton Finance Co. Ltd. v. Coverley Westray Walbaum & Tosetti Ltd., Mocatta J. [1969] 1 Lloyd's Rep. 53.

REVENUE—*continued.*

Stamp duty—*continued.*

Conveyance or transfer on sale

Amalgamation of companies—Agreement for acquisition of share capital—Transfer of shares—Subsequent conveyance of lands executed—Whether a "conveyance on sale"—Stamp Act, 1891, s 54. **Henty and Constable (Brewers) Ltd. v. Inland Revenue Comrs.,** Buckley J. [1961] 1 W.L.R. 1018.
C.A. [1961] 1 W.L.R. 1504.

————————Offer by company to buy all stock of other company—Acceptance by 90 per cent. of stockholders—Transfers of stock by accepting stockholders—Transfer executed on behalf of dissenting stockholders—Whether "conveyance or transfer on sale"—"Sale"—Stamp Act, 1891, s. 54, Sch. 1—Finance Act, 1895, s. 12—Companies Act, 1948, s. 209. **Ridge Nominees Ltd. v. Inland Revenue Comrs.,** Buckley J. [1962] Ch. 376; [1961] 3 W.L.R. 393.
C.A. [1962] Ch. 376; [1962] 2 W.L.R. 3.

"Amount" or "value" of consideration at date of the instrument—Consideration payable by instalments—Hong Kong.
Hotung v. Collector of Stamp Revenue, P.C. [1965] A.C. 766; [1965] 2 W.L.R. 546.

Declaration of trust by parent company of certain property in favour of subsidiary taxpayer company—Transfers to taxpayer company by parent company of stock in other companies—Whether "a scheme for the reconstruction of a company"—Whether consideration consisted as to not less than 90 per cent. in shares in taxpayer company—Finance Act, 1927, s. 55 (1) (B) (8)—Finance Act, 1930, s. 42 (as amended).
Brooklands Selangor Holdings Ltd. v. Inland Revenue Comrs., Pennycuick J. [1970] 1 W.L.R. 429.

Exchange or conveyance on sale—Deed entitled "deed of exchange"—No evidence of preceding contract of sale—Whether lease a "conveyance"—Lease by friendly society to company—Assignment of lease to an associated company—Whether beneficial interest in the property previously "conveyed" by a person not associated with the transferor or transferee—Stamp Act, 1891, Sch. 1—Finance Act, 1930, s. 42—Finance Act, 1938, s. 50. **Littlewoods Mail Order Stores Ltd. v. Inland Revenue Comrs.,** Danckwerts J. [1961] Ch. 210; [1961] 2 W.L.R. 25.
C.A. [1961] Ch. 597; [1961] 3 W.L.R. 509.
H.L.(E.) [1963] A.C. 135; [1962] 2 W.L.R. 1228.

Exemption—Acquisition of shares in the capital of a company—Requirement that not less than 90 per cent. of the consideration for the acquisition consists of shares in the capital of the acquiring company—Whether requirement satisfied—Finance Act, 1927, s. 55 (1).
Central and District Properties Ltd. v. Inland Revenue Comrs., C.A. and H.L.(E.) [1966] 1 W.L.R. 1015.

————Transfer between associated companies—Property transferred by subsidiary to principal company after latter had contracted to sell its shares in subsidiary—Vendor of shares required by sale agreement to do certain things before completion—Whether transferee still "beneficial owner" of shares in transferor—Stamp Act, 1891, Sch. 1, Finance Act, 1930, s. 42. **Parway Estates Ltd. v. Inland Revenue Comrs. (Note),** Upjohn J. and C.A. (1958) 45 T.C. 135.

Option to purchase share capital—Transfers pursuant to option agreement to protect purchasers' rights—No transfer of beneficial interest—Subsequent exercise of option—Whether transfers "conveyance or transfer on sale"—"Upon the sale"—Agreement for option to purchase—Whether agreement for sale of equitable interest—Stamp Act, 1891, ss. 54, 59 (1), Sch. 1. **Wm. Cory & Son Ltd. v. Inland Revenue Comrs.,** Pennycuick J. [1964] 1 W.L.R. 529, C.A. [1964] 1 W.L.R. 1332.
H.L.(E.) [1965] A.C. 1088; [1965] 2 W.L.R. 924.

Sale of shares followed by sub-sale—Name of transferees not inserted in transfers on first sale—Whether conveyance or transfer on sale—Stamp Act, 1891, s. 58 (4), Sch. 1.
Fitch Lovell Ltd. v. Inland Revenue Comrs., Wilberforce J. [1962] 1 W.L.R. 1325.

Transfer of properties to associated company in return for fully paid up shares in transferee company—Shares in transferee company then sold to finance company for cash—Whether consideration for transfer of properties provided by person other than associated transferee company—Whether transfer exempted from "transfer on sale" duty—"Consideration"—Finance Act, 1930, s. 42—Finance Act, 1938, s. 50 (1) (*a*) (2).
Shop & Store Developments Ltd. v. Inland Revenue Comrs., Pennycuick J. [1966] Ch. 108; [1965] 3 W.L.R. 197.
C.A. [1966] Ch. 108; [1966] 2 W.L.R. 25.
H.L.(E.) [1967] 1 A.C. 472; [1967] 2 W.L.R. 35.

Exemption

Assignment of part of business undertaking—Clause providing for adjustment of contract price—Payment by vendor of sum representing interim profits—Whether deductible from total consideration—Whether not less than 90 per cent. of consideration consisted in shares—Whether assignment exempt from ad valorem duty—Finance Act, 1927, s. 55 (1) (8). **Metal Box Plastic Films Ltd. v. Inland Revenue Comrs.,** Plowman J. [1969] 1 W.L.R. 1620.

REVENUE—*continued.*

Stamp duty—*continued.*

Increase of capital

Capital increased for acquisition of undertaking of existing company — Computation of relief—" Whole value of the undertaking " of existing company—Whether gross or net value—" Undertaking "—Finance Act, 1927, s. 55 (1).
E. Gomme Ltd. v. Inland Revenue Comrs., Ungoed-Thomas J. [1964] 1 W.L.R. 1348.

Partition of parent company's assets between majority and minority shareholders—Majority shareholder to continue trading through parent company, minority to realise assets—Taxpayer company incorporated for purpose of acquiring part of assets of parent company—Minority shareholders to own entire capital of taxpayer company—Capital increased for purpose of purchase of parent company's assets; for consideration in part cash, in part shares—Whether " a scheme for the reconstruction of any company "—Finance Act, 1927, s. 55 (1) (A) (8) (as amended).
Brooklands Selangor Holdings Ltd. v. Inland Revenue Comrs.,
Pennycuick J. [1970] 1 W.L.R. 429.

Interest

Whether interest awardable retrospectively—Finance Act, 1965, s. 91.
Shop and Store Developments Ltd. v. Inland Revenue Comrs.,
H.L.(E.) [1967] 1 A.C. 472; [1967] 2 W.L.R. 35.

Leases

Deed of variation premiums reduced but rents increased—No change in term of lease or land demised — Whether deed a lease — Whether a bond, covenant or instrument — Whether charge restricted to additional rent—Stamp Act, 1891, ss. 1, 77 (5), Sch. 1.
Gable Construction Co. Ltd. v. Inland Revenue Comrs., Goff J. [1968] 1 W.L.R. 1426.

Order of court

Order under Variation of Trusts Act, 1958—Submission of duplicate order to commissioners for adjudication.
Practice Note (Variation of Trusts: Stamp Duty), Cross J. [1966] 1 W.L.R. 345.

Security

Agreement for sale of ship—Price to be paid by instalments—Supplemental guarantee—Whether agreement " primary security "—Stamp Act, 1891, Sch. 1.
British-Italian Corpn. Ltd. v. Inland Revenue Comrs., C.A. [1963] A.C. 211;
[1962] 3 W.L.R. 1300.

Contract for sale—Supplemental guarantee by bank—Contract not a primary document—Whether guarantee " primary security "—Stamp Act, 1891, Sch. 1.
Ansbacher (Henry) & Co. v. Inland Revenue Comrs., C.A. [1961] 1 W.L.R. 1171.
H.L.(E.) [1963] A.C. 191; [1962] 3 W.L.R. 1292.

Transfer of property from one associated company to another

" Beneficial ownership "—Parent company having two wholly-owned subsidiaries—Transfer by one subsidiary to a company that was the wholly-owned subsidiary of the other subsidiary of the parent company—Share capital of transferee not in the beneficial ownership of the parent company—Parent company could be said to have " controlling interest "—Finance Act, 1930, s. 42 (2).
Rodwell Securities Ltd. v. Inland Revenue Comrs.,
Pennycuick J. [1968] 1 All E.R. 257.

Surtax. (*See also* **Income tax**.)

Appeal to Commissioners

Evidence—Appeal by taxpayer on ground that computation excluded dividends to which he was beneficially entitled—Weight to be attached to finding for previous year that he had not disproved beneficial ownership.
Inland Revenue Comrs. v. Hood Barrs (No. 2), Wilberforce J. (1963) 41 T.C. 339.

Assessment

Back duty—Wilful default—Omission of wife's income from returns—Income Tax Act, 1952, ss. 299 (3), 354.
W. W. Brown v. Inland Revenue Comrs., Stamp J. (1965) 42 T.C. 583.

Company

Actual income from all sources—Surtax direction—Apportionment and sub-apportionment of undistributed income to shareholders—Appropriation of prospective receipts in year prior to receipt—No actual income available to cover dividend paid—Whether dividend paid out of actual income of that period—Income Tax Act, 1952, ss. 245, 254.
Princes Investments Ltd. v. Inland Revenue Comrs.,
Buckley J. [1967] Ch. 953; [1966] 1 W.L.R. 1186.
C.A. [1967] Ch. 953; [1967] 2 W.L.R. 1433.

REVENUE—*continued.*
Surtax—*continued.*
Company—*continued.*

Control by less than five persons, and substantial interest held by public, meaning—Majority of stock units held by three brothers, either directly, through nominees, or as first-named trustee of settlements dated 1954—Some stock held by a fourth person as first-named trustee of other settlements—Less than 25 per cent. of stock admittedly held by public—Beneficiaries under 1954 settlements including both relatives, non-relatives and charities—Brother and his nominees fictionally a "single person"—Whether beneficiaries under 1954 settlements members of the public—Income Tax Act, 1952, ss. 245, 248, 256. **Morrison Holdings Ltd. v. Inland Revenue Comrs.,** Pennycuick J. [1966] 1 W.L.R. 553.

Controlled investment company—Direction by special commissioners—Computation of company's actual income—Payment by company to charity under deed of covenant—Whether deductible—Whether "allowable in computing the total income of an individual"—Income Tax Act, 1952, ss. 262 (2) proviso (*a*), 415 (1).
Inland Revenue Comrs. v. Coathew Investments Ltd.,
Ungoed-Thomas J. and C.A. [1965] 1 W.L.R. 583.
H.L.(E.) [1966] 1 W.L.R. 716.

Direction by special commissioners—Profits of company derived from granting licences—Whether company an investment company or carrying on a trade—Income Tax Act, 1952, ss. 245, 262. **Noddy Subsidiary Rights Co. Ltd. v. Inland Revenue Comrs.,** Pennycuick J. [1967] 1 W.L.R. 1.

Direction that company's income be treated as members' income—54 per cent. of shares held by controllers—31 per cent. of shares settled on trust for beneficiaries—Trustees members of controlling group—Whether trustees' shares to be added to controllers' shares—Whether settled shares held by the public—Whether Crown entitled to select persons to show 75 per cent. of shares held by five persons controlling company—Whether "relatives" within statutory class form part of "the public"—Whether company in which "the public . . . substantially interested"—Income Tax Act, 1952, ss. 245, 256. **Inland Revenue Comrs. v. Park Investments Ltd.,** C.A. [1966] Ch. 701; [1966] 3 W.L.R. 65.

——————————————————Shares settled on trusts for beneficiaries—Trustees members of controlling group—Whether settled shares held by the public—Whether Crown entitled to select persons to show 75 per cent. of shares held by five persons controlling company—Whether company in which "the public . . . substantially interested"—Income Tax Act, 1952, ss. 245, 256.
Inland Revenue Comrs. v. Park Investments Ltd., Buckley J. [1966] 1 W.L.R. 540.

Investment company—Computation of actual income—Estate or trading income—Balance of relief for agricultural expenditure over agricultural income—Loss relief—Whether to be allocated rateably between "estate or trading" income and other income or attributed solely to "estate or trading" income—Income Tax Act, 1952, s. 262.
Leconfield Estate Co. v. Inland Revenue Comrs.,
Megarry J. [1970] 1 W.L.R. 1133.

——————————————————Relief for expenditure on maintenance, repairs, etc.—Whether to be based on actual expenditure or five-year average—Deduction for profits tax allowed in original apportionment—Profits tax subsequently repaid—Whether further apportionment competent—Finance Act, 1947, s. 31 (2)—Income Tax Act, 1952, ss. 101 (1), 245, 248, 255 (3), 262—Finance Act, 1952, s. 68. **Cadogan Settled Estates Co. v. Inland Revenue Comrs.,** Pennycuick J. (1968) 45 T.C. 301.

——————————"Investment income"—Income from dividend stripping—Whether dealer "investment company"—Income Tax Act, 1952, ss. 257 (2), 525 (1).
F. S. Securities Ltd. v. Inland Revenue Comrs.,
Ungoed-Thomas J. [1963] 1 W.L.R. 173.
C.A. [1963] 1 W.L.R. 1223.
H.L.(E.) [1965] A.C. 631; [1964] 1 W.L.R. 742.

"Member" of company—Meaning—"Share or interest" in "capital or profits or income"—Whether debenture stockholders have an "interest" in company—Income Tax Act, 1952, ss. 245, 255, 256. **Inland Revenue Comrs. v. R. Woolf (Rubber) Ltd.,**
Danckwerts J. [1961] 1 W.L.R. 177.
C.A. [1962] Ch. 35; [1961] 3 W.L.R. 29.

Subsidiary company—Sale of shares three days before end of accounting period—Shares sold to two companies—Direction that company's income be treated as original members' income—Whether a "subsidiary company"—Apportionment—Whether apportionment on time basis—Whether distribution within reasonable time—Income Tax Act, 1952, ss. 245, 248 (1), 256 (1) (2) (*c*). **C. H. W. (Huddersfield) Ltd. v. Inland Revenue Comrs.,**
Plowman J. [1961] 1 W.L.R. 1337.
H.L.(E.) [1963] 1 W.L.R. 767.

REVENUE—*continued.*

Surtax—*continued.*

Company—*continued.*

Surtax direction—Notices of apportionment and sub-apportionment—Service of—Notices to be served on company to whom surtax direction given—Income Tax Act, 1952, s. 248. **Princes Investments Ltd. v. Inland Revenue Comrs.,** Buckley J. [1967] Ch. 953; [1966] 1 W.L.R. 1186. C.A. [1967] Ch. 953; [1967] 2 W.L.R. 1433.

Undistributed income—Statutory declaration of non-avoidance of surtax—"The directors of the company"—Whether confined to directors at time when declaration made—Income Tax Act, 1952, s. 251 (1). **Hanstead Investments Ltd. v. Inland Revenue Comrs.,** Stamp J. (1970) T.C. Leaflet No. 2363.

Settlement

Accumulation of income—Wife of settlor a trustee—Payments by wife to trustees to enable purchase of shares for trust fund—Subsequent repayment—Whether loan and repayment of loan—Meaning of "loan"—Income Tax Act, 1952, s. 408 (1) (7). **De Vigier v. Inland Revenue Comrs.,** H.L.(E.) [1964] 1 W.L.R. 1073.

Advance by trustees to settlor against security—Whether payment a "capital sum paid . . . to the settlor"—Income Tax Act, 1952, s. 408. **McCrone v. Inland Revenue Comrs.,** Ct. of Sess. (1967) 44 T.C. 142.

Advance of settled funds to trustees of later settlement—Income of advanced fund paid to beneficiary of of later settlement—Later settlement void for perpetuity quoad advanced fund—Whether income of advanced fund income under first or later settlement. **Spens v. Inland Revenue Comrs.,** Megarry J. [1970] 1 W.L.R. 1173.

Arrangement—"Settlor"—Loan by trustees of settlement of which borrower and his son discretionary beneficiaries—Whether borrower the settlor in relation to interest paid by him to trustees—Income Tax Act, 1952, ss. 397, 401, 403, 409, 411—Finance Act, 1958, s. 22. **Inland Revenue Comrs. v. Leiner,** Plowman J. (1964) 41 T.C. 589.

Deposit by settlor as collateral for trustees' overdraft—Stipulation that trust income be used to reduce overdraft thus freeing deposit—Whether income applicable for settlor's benefit—Whether payment by trustees in reducing overdraft payments made directly or indirectly to settlor—Income Tax Act, 1952, ss. 405, 408, 411 (2). **Inland Revenue Comrs. v. Wachtel,** Goff J. [1970] 3 W.L.R. 857.

Discretionary trusts—Special power of appointment upon trust to apply capital and income "for the benefit of such principal beneficiary . . . in such proportions and manner and for such one or more of them . . . in such proportions and upon such trusts as shall not infringe the rule against perpetuities"—Whether provision void for perpetuity—Whether income of trust to be treated for surtax purposes as income of settlor. **Inland Revenue Comrs. v. Williams,** Megarry J. [1969] 1 W.L.R. 1197.

Gift of shares to college subject to option to purchase—Benefit of option granted to trustee company—No consideration given—No direction to hold on express trust—Option held on resulting trust for settlor—Whether settlor absolutely divested himself—Whether dividends to be treated as settlor's income—Income Tax Act, 1952, s. 415 (1) (2). **Vandervell v. Inland Revenue Comrs.,** Plowman J. and C.A. [1966] Ch. 261; [1965] 2 W.L.R. 1085. H.L.(E.) [1967] 2 A.C. 291; [1967] 2 W.L.R. 87.

Irrevocability—Children and remoter issue and their wives, husbands, widows and widowers—Settlement by settlor on—Special power to appoint whole fund to one of class of beneficiaries absolutely—Whether settlement "provided" for its determination "by the act . . . of any person"—Whether irrevocable—Income Tax Act, 1952, ss. 398, 399 (*b*). **Jamieson v. Inland Revenue Comrs.,** C.A. [1962] Ch. 748; [1962] 2 W.L.R. 1075.

Resulting trust to settlor—Validity of income trusts—Trust period shorter of 90 years or 21 years from death of last survivor of beneficiaries born before settlement made—"Beneficiaries" including settlor's descendants and spouses—Whether trust period certain—"Uncertainty"—Meaning—Whether trusts incapable of being executed by court—Severance of appointed period—Construction of income trusts—Bona fide and reasonable doubts of parties as to validity of trust—Whether sufficient possibility that income might in certain circumstances be payable to settlor for purposes of section 405 (2) of Income Tax Act, 1952—Release of power to capitalise income—Power to pay premiums on policy in which beneficiaries have an interest, whether under present settlement or otherwise—Settlor also possible beneficiary—Income Tax Act, 1952, s. 405 (1) (2). **Muir v. Inland Revenue Comrs.,** Pennycuick J. [1966] 1 W.L.R. 251; C.A. [1966] 1 W.L.R. 1269.

REVENUE—*continued.*

Surtax—*continued.*

Settlement—continued.

Trust fund—Shares in trading company—Payments by company to settlor of capital sums—Whether company a " body corporate . . . connected with a settlement "—Reasonable part of company's income distributed in relevant years—Whether company within statutory definition—Statutory scheme for treating as part of income of settlor capital sums paid by company to extent of " income available "—Carry-forward scheme—Whether taxpayer liable to surtax on relevant parts of capital sums—Income Tax Act, 1952, ss. 245, 408, 411 (4) (*a*) (*b*).
Inland Revenue Comrs. v. Bates, C.A. [1965] 1 W.L.R. 1133.
H.L.(E.) [1968] **A.C. 483;** [1967] 2 W.L.R. 60.

Total income

Balancing charge—Income Tax Act, 1952, ss. 292 (1), 301, 323 (4), 524.
Inland Revenue Comrs. v. Lloyds Bank Ltd., Wilberforce J. (1963) 41 T.C. 294.

Short interest payments—Whether admissible deduction from total income for surtax purposes—Income Tax Act, 1842, ss. 163, 164, 190 and Sch. (G), No. XVII (3)—Finance (1909–10) Act, 1910, s. 66 (2)—Income Tax Act, 1952, ss. 2 (2), 200 (1), 221, 524 (1) (2), Schs. 6 (1) (2), 24.
Inland Revenue Comrs. v. Frere, Wilberforce J. [1964] Ch. 359; [1963] 3 W.L.R. 854.
C.A. [1964] Ch. 359; [1964] 2 W.L.R. 405.
H.L.(E.) [1965] A.C. 402; [1964] 3 W.L.R. 1193.

Stockholder in company dissenting from scheme approved by majority—Payment to company of consideration for transfer of dissenting holder's stock—Income arising thereon.
Dreyfus v. Inland Revenue Comrs., Pennycuick J. (1963) 41 T.C. 441.

Transaction to avoid takeover bid

Bona fide commercial transaction—Whether an " arrangement "—Income Tax Act, 1952, ss. 404 (2), 405 (1), 409 (1) (2) (5), 411 (2), 415 (1). **Bulmer v. Inland Revenue Comrs.,** Pennycuick J. [1967] Ch. 145; [1966] 3 W.L.R. 672.

Tax advantage

Practice

Tribunal appointed under Finance Act, 1960, s. 28—Consideration of commissioners' certificate and taxpayer's statutory declaration—Determination whether prima facie case—Whether principles of natural justice applicable—Whether taxpayer entitled to be heard or to correct counter-statement—Finance Act, 1960, s. 28.
Wiseman v. Borneman, Pennycuick J. [1968] Ch. 334; [1967] 3 W.L.R. 1372.
C.A. [1968] Ch. 429; [1968] 2 W.L.R. 320.
H.L.(E.) [1969] 3 W.L.R. 706.

Transaction in securities

Determination by tribunal whether prima facie case—Practice—Consideration of commissioners' certificate and taxpayer's statutory declaration—Whether principles of natural justice applicable—Whether taxpayer entitled to be heard or to correct counter-statement—Finance Act, 1960, s. 28 (5).
Wiseman v. Borneman, Pennycuick J. [1968] Ch. 334; [1967] 3 W.L.R. 1372.
C.A. [1968] Ch. 429; [1968] 2 W.L.R. 320.

Main object—Company—Surtax—Defeating take-over bid—Financial arrangements—Bank loan to shareholders—Meeting obligations to bank—Reduction and repayment of capital—Finance Act, 1960, s. 28 (1).
Inland Revenue Comrs. v. Brebner, H.L.(Sc.) [1967] 2 A.C. 18; [1967] 2 W.L.R. 1001.

————Purchase by dealer in securities of redeemable debentures bearing arrears of interest—Interest and redemption moneys paid together—Interest taxed at source excluded in computation of profit resulting in loss on transaction—Finance Act, 1960, s. 28 (1). **Inland Revenue Comrs. v. Kleinwort Benson Ltd.,** Cross J. [1969] 2 Ch. 221; [1969] 2 W.L.R. 696.

Married woman not separately assessed—Company—Whether " a person . . . [who] has obtained a tax advantage " when assessment would have been on husband—" Avoidance of a possible assessment "—Income Tax Act, 1952, s. 354—Finance Act, 1960, ss. 28 (1) (2) (3), 43 (4). **Inland Revenue Comrs. v. Brook,** Ungoed-Thomas J. [1968] Ch. 255; [1967] 3 W.L.R. 1320.
Hague v. Inland Revenue Comrs., Cross J. [1969] 1 Ch. 393; [1968] 2 W.L.R. 825.
C.A. [1969] 1 Ch. 393; [1968] 3 W.L.R. 576.

REVENUE—*continued.*

Tax advantage—*continued.*

Transaction in securities—continued.

Redemption of bonus debentures—Capitalisation of accumulated profits—Issue of bonus debentures redeemable after seven years—Redemption—Whether debentures " security " —Whether scheme " obtained an issue or redemption or both "—Finance Act, 1960, ss. 28, 43 (4). **Inland Revenue Comrs. v. Parker,**
Ungoed-Thomas J. [1965] Ch. 866; [1964] 3 W.L.R. 1121.
C.A. [1965] Ch. 1032; [1967] 2 W.L.R. 1141.
H.L.(E.) [1966] A.C. 141; [1966] 2 W.L.R. 486.

Redemption of debentures with simultaneous payment of arrears of interest—Dealer in securities—Interest taxed at source excluded in computation of profit resulting in loss on transaction—Whether deduction by reason of " a fall in the value of the securities " —Finance Act, 1960, s. 28 (2) (*b*). **Inland Revenue Comrs. v. Kleinwort Benson Ltd.,**
Cross J. [1969] 2 Ch. 221; [1969] 2 W.L.R. 696.

Reduction and repayment of capital followed by capitalisation of profits—Reorganisation of cotton industry—Whether one of main objects to obtain a tax advantage—Whether consideration received represented " assets previously available for distribution by way of dividend "—Whether a return of money paid by subscribers on issue of shares—Married woman not separately assessed—Whether in a position to obtain a tax advantage—Finance Act, 1960, ss. 28 (1) (2) (3), 43 (4).
Inland Revenue Comrs. v. Horrocks, Plowman J. [1968] 1 W.L.R. 1809.

———————————————What proportion of consideration received represented assets previously " available for distribution by way of dividend "—Finance Act, 1960, s. 28 (1) (2).
Hague v. Inland Revenue Comrs., Cross J. [1969] 1 Ch. 393; [1968] 2 W.L.R. 825.
C.A. [1969] 1 Ch. 393; [1968] 3 W.L.R. 576.

Sale of shares by sole shareholders to another wholly owned company for cash—Whether cash represented assets previously " available for distribution by way of dividend " —Whether received " in connection with the distribution of profits "—Whether " tax advantage " obtained by " avoidance of an assessment "—Finance Act, 1960, ss. 28 (2), 43 (4). **Inland Revenue Comrs. v. Cleary,**
Pennycuick J. [1965] Ch. 1098; [1965] 3 W.L.R. 219.
C.A. [1966] Ch. 365; [1966] 2 W.L.R. 790.
H.L.(E.) [1968] A.C. 766; [1967] 2 W.L.R. 1271.

Sale of shares carrying special dividend rights—Sale contract before April 5, 1960—Payment of purchase price over ensuing years in step with dividends received—Whether whole scheme constituted single transaction in securities—Whether transaction or transactions from which tax advantage flowed " carried out " before April 5, 1960—Finance Act, 1960, s. 28 (1) proviso (i), (2).
Greenberg v. Inland Revenue Comrs., Buckley J. [1969] 3 W.L.R. 883.
C.A. [1970] 2 W.L.R. 362.

Tax avoidance. (*See also* TRUSTS (**Variation**).)

Confidential information

Master and servant.
P. A. Thomas & Co. v. Mould, O'Connor J. [1968] 2 Q.B. 913; [1968] 2 W.L.R. 737.

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RHODESIA

Constitution

Declaration of Independence

Divorce decree granted to wife domiciled in Rhodesia by judge appointed after U.D.I.—Whether decree entitled to recognition.
Adams v. Adams (Attorney-General Intervening),
Sir Jocelyn Simon P. [1970] 3 W.L.R. 934.

Revocation by United Kingdom of Legislative Assembly's powers—Transfer of legislative and executive powers to Her Majesty in Council—Adoption by Legislative Assembly of new constitution—Validity of emergency and emergency regulations made thereunder—Governor's directive requiring Her Majesty's judges to " maintain law and order . . . and to carry on with their normal tasks "—Determination by Rhodesian courts by implication that fresh emergency regulations and detention orders made thereunder valid—Right of an " aggrieved " person to appeal to the Privy Council—Relevance of Roman-Dutch law—Whether conceptions of law as to de facto and de jure status applicable—Doctrine of necessity not applicable—New Constitution invalid—Duty of judiciary—Effect of Governor's directive—Statute of Treason, 1495—Constitution of Southern Rhodesia, 1961, ss. 58 (1), 69 (1), 71 (5), 72 (2), 105, 107, 111—Emergency Powers Act, 1960 (No. 48 of 1960), ss. 3 (2), 4—Southern Rhodesia Act, 1965, ss. 1, 2 (1)—Southern Rhodesia (Constitution) Order, 1965, ss. 2, 3 (1) (5), 4, 6—British Nationality Act, 1948, s. 1 (1) (3). **Madzimbamuto v. Lardner-Burke,**
P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

RHODESIA—*continued.*
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Runyowa v. The Queen, P.C. [1967] 1 A.C. 26; [1966] 2 W.L.R. 877.

Crime
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Mens rea—Whether sufficient for criminal responsibility—Law and Order (Maintenance) Act, 1960, s. 33A (1) (*a*) (*c*) (as amended).
Runyowa v. The Queen, P.C. [1967] 1 A.C. 26; [1966] 2 W.L.R. 877.

Statutory offence
Attempting to set occupied house on fire—Socius criminis—Liability under Roman-Dutch law—Regarded as committing same offence as principal perpetrator—Position no different where offence statutory—Compulsory death penalty, whether liability of socius affected by existence of—Law and Order (Maintenance) Act, 1960, s. 33A (1) (*a*) (*c*) (as amended) (Southern Rhodesia).
Mapolisa v. The Queen, P.C. [1965] A.C. 840; [1965] 2 W.L.R. 199.

Probate
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RHODESIA AND NYASALAND
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Character—Evidence by defendant of disapproval of violence—Whether evidence of own "good character"—Previous writing by defendant commending use of violence—Whether cross-examination as to writings tending to show "bad character"—Criminal Procedure and Evidence Act (Laws of Rhodesia and Nyasaland, Rev. 19, c. 28), s. 303.
Malindi v. The Queen, P.C. [1967] 1 A.C. 439; [1966] 3 W.L.R. 913.

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Dee and Clwyd River Authority v. Parry, Divl.Ct. (1965) 65 L.G.R. 488.

Trade effluent
Application to river board for consent—Consent granted subject to conditions in application—Consent granted also subject to conditions as from future date—Breaches of conditions—Whether conditions valid—Rivers (Prevention of Pollution) Act, 1961, ss. 1 (1) (3) (4), 2 (1), 5 (1) (2). **Trent River Authority v. F. H. Drabble & Sons Ltd.,** D.C. [1970] 1 W.L.R. 98.

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Riparian owner
Ordinary use and extraordinary use—Spray irrigation—Reservoir constructed by riparian owner—Water collected from piped sources and surface water—No natural spring water impounded—Reservoir and river used for spray irrigation—Considerable amount of water used by spray irrigation—No visible or measurable effect on river but bulk of water not returned to river—Whether spray irrigation an ordinary use—Whether riparian owner entitled to use river water for spray irrigation—Whether riparian owner entitled to impound water in reservoir—Use of water in reservoir.
Rugby Joint Water Board v. Walters, Buckley J. [1967] Ch. 397; [1966] 3 W.L.R. 934.

ROAD. *See* HIGHWAY; ROAD TRAFFIC.

ROAD TRAFFIC
Accident
Duty to "stop"
Duty to give name and address—Whether personal obligation—Driver required to remain at scene of accident for reasonable time—Whether duty may be discharged by agent—Road Traffic Act, 1960, s. 77 (1).
Lee v. Knapp, Divl.Ct. [1967] 2 Q.B. 442; [1967] 2 W.L.R. 6.

ROAD TRAFFIC—*continued.*

Accident—*continued.*

Duty to " stop "—continued.

Failing to stop—Failing to report—Knowledge of accident occurring—Whether necessary ingredient of offence—Road Traffic Act, 1960, s. 77 (1) (2).
Hampson v. Powell, D.C. [1970] 1 All E.R. 929; [1970] R.T.R. 293.

Careless driving

Evidence

Driver, identity of—Circumstantial evidence sufficient to identify defendant as driver of vehicle involved in accident.
Hampson v. Powell, D.C. [1970] 1 All E.R. 929; [1970] R.T.R. 293.

——————Evidence of independent witness unable to quote number of vehicle—Evidence of police " on information received "—Whether sufficient evidence—Road Traffic Act, 1960, s. 3. **Jones v. Metcalfe,** Divl.Ct. [1967] 1 W.L.R. 1286.

Dangerous driving

Automatism

Meaning of—Car driven for five miles—Whether driving involuntary or uncontrolled by the conscious will—Road Traffic Act, 1960, ss. 2, 3.
Watmore v. Jenkins, Divl.Ct. [1962] 2 Q.B. 572; [1962] 3 W.L.R. 463.

Causing death by

Careless driving—Charge of causing death by dangerous driving—Whether issue that driving careless not dangerous should be raised.
Reg. v. Scammell, C.A. [1967] 1 W.L.R. 1167.

Dangerous driving must be a substantial cause of death but need not be the sole cause—Road Traffic Act, 1960, s. 1 (1). **Reg. v. Gould,** Brabin J. [1964] 1 W.L.R. 145.

Degree of carelessness—Relevance—Whether test objective—Road Traffic Act, 1960, s. 1.
Reg. v. Evans, C.C.A. [1963] 1 Q.B. 412; [1962] 3 W.L.R. 1457.

Mechanical defect—Knowledge of defect by employer of driver—Whether capable of constituting offence of counselling and procuring dangerous driving.
Reg. v. Robert Millar (Contractors) Ltd., Fisher J. and C.A.
[1970] 2 Q.B. 54; [1970] 2 W.L.R. 541.

——————Whether relevant to charge—Allegation that brakes defective—Prosecution adducing evidence to prove defective braking system known to defendant—Whether proper—Exclusion of defence evidence to contrary—Whether fair trial—Road Traffic Act, 1960, s. 1 (1). **Reg. v. Atkinson,** C.A. [1970] R.T.R. 265.

Whether charge of driving under the influence of drink should be included—Whether evidence of drink admissible—Road Traffic Act, 1960, ss. 1, 6.
Reg. v. McBride, C.C.A. [1962] 2 Q.B. 167; [1961] 3 W.L.R. 549.

Mechanical defect

Whether a defence—Burden of proof—Road Traffic Act, 1930, s. 11 (1).
Reg. v. Spurge, C.C.A. [1961] 2 Q.B. 205; [1961] 3 W.L.R. 23.

Reckless driving

Different offences—" Recklessly or at a speed or in a manner " dangerous to public—Three offences—Information bad for duplicity—Road Traffic Act, 1960, s. 2.
Hargreaves v. Alderson, Divl.Ct. [1964] 2 Q.B. 159; [1963] 2 W.L.R. 31.

Sentence

Preventive detention. *See* CRIME.

Speeding

Speed of 45 to 65 miles an hour on restricted road—Light traffic—Good weather and road—Road Traffic Act, 1960, s. 2 (1). **Tribe v. Jones,** Divl.Ct. (1961) 59 L.G.R. 582.

Disqualification

Consecutive or concurrent periods

Disqualifications for driving while uninsured—Subsequent disqualifications for driving while disqualified—Whether to be consecutive or concurrent with existing period—Whether consecutive or concurrent with each other—Whether periods of disqualification for driving while uninsured to be consecutive or concurrent—Road Traffic Act, 1962, s. 5 (5).
Jones v. Powell, Divl.Ct. [1965] 2 Q.B. 216; [1965] 2 W.L.R. 683.

Driving while disqualified—Similar offence taken into consideration—Whether proper—Need for sentence of disqualification and " totting up " disqualification to be consecutive—Road Traffic Act, 1962, s. 5 (3) (5).
Reg. v. Jones (Robert), C.A. [1970] 1 W.L.R. 1494.

Consecutive periods of

Ten years' disqualification for taking and driving away and driving without insurance—Twelve months' consecutive disqualification for driving while disqualified—Existing disqualification until 1974—Whether excessive—Machinery for reviewing disqualifications inadequate. **Reg. v. Shirley,** C.A. [1969] 1 W.L.R. 1357.

ROAD TRAFFIC—*continued.*

Disqualification—*continued.*

Consecutive periods of—continued.

Third occasion of conviction of specified offence—Whether periods of disqualification to be consecutive to any other period—Procedure to be followed—Road Traffic Act, 1962, s. 5 (3) (5). **Reg. v. Sixsmith (Stipendiary Magistrate),** *Ex parte* **Morris,** Divl.Ct. [1968] 1 Q.B. 438; [1966] 3 W.L.R. 1200.

Driving while disqualified

Driving in contravention of minimum age provisions—Whether driving whilst "disqualified"—Whether prosecution may elect section under which to proceed—"Disqualification"—Road Traffic Act, 1960, ss. 5, 97, 107, 110. **Reg. v. Saddleworth Justices,** *Ex parte* **Staples,** Divl.Ct. [1968] 1 W.L.R. 556.

Limitation — Defendant disqualified until driving test passed — Driving with provisional licence—No "L" plates displayed—Whether driving while disqualified—Road Traffic Act, 1960, ss. 104 (3), 110. **Hunter v. Coombs,** Divl.Ct. [1962] 1 W.L.R. 573.

Sentence—Defendant's election to be tried by jury—Plea of guilty at quarter sessions—Sentence greater than maximum permitted on summary conviction — Whether on "conviction on indictment"—Whether quarter sessions empowered to impose sentence in excess of maximum on summary conviction—Road Traffic Act, 1960, s. 110 (as amended by Road Traffic Act, 1962, Sch. 1, Pt. I, 6). **Reg. v. Gibbs,** C.C.A. [1965] 2 Q.B. 281; [1964] 3 W.L.R. 1272.

Grounds for mitigation

Conviction of Part I offence—Three indorsements within statutory period—Account taken of two earlier indorsed convictions in previous disqualification—Whether earlier indorsed convictions grounds for "mitigating normal consequences of convictions"—Road Traffic Act, 1962, s. 5 (3). **Fearon v. Sydney,** Divl.Ct. [1966] 1 W.L.R. 1003.

Jurisdiction to disqualify

Exceeding speed limit—Second offence—Information laid under Road Traffic Act, 1960—No Power to disqualify except for third or subsequent offence—Case heard after coming into force of Road Traffic Act, 1962—New Act giving power to disqualify on first or second offence—Whether applicable to offence committed under earlier Act—Road Traffic Act, 1962, s. 5. **Carter-Fea v. Graham,** Divl.Ct. (1964) 62 L.G.R. 279.

Invalid conviction and order of disqualification made by justices—Defendant's belief that disqualification valid—Two subsequent pleas of guilty to charges of driving while disqualified—Certiorari—Court's jurisdiction to quash disqualifications. **Reg. v. Middleton, Bromley and Bexley Justices,** *Ex parte* **Collins,** D.C. [1970] 1 Q.B. 216; [1969] 3 W.L.R. 632.

Jurisdiction to impose

Conviction for larceny of car — Offences of taking and driving cars without owners' consent taken into consideration—Whether disqualification lawful—Road Traffic Act, 1956, Sch. 4, para. 8. **Reg. v. Williams,** C.C.A. [1962] 1 W.L.R. 1268.

Period

Life—Disqualification from driving for life—Previous disqualifications amounting to 12 years—No disqualification arising from careless or dangerous driving—Driver by occupation, aged 28—Whether life disqualification appropriate. **Reg. v. Bond,** C.A. [1968] 1 W.L.R. 1885.

————Whether for period certain—Whether proper sentence—Road Traffic Act, 1962, s. 5. **Reg. v. Tunde-Olarinde,** C.A. [1967] 1 W.L.R. 911.

Proof

Driving while disqualified—Proof of previous conviction resulting in disqualification—Form of certificate—Prevention of Crimes Act, 1871, s. 18—Road Traffic Act, 1960, ss. 110, 201 (2). **Stone v. Bastick,** Divl.Ct. [1967] 1 Q.B. 74; [1965] 3 W.L.R. 1233.

Removal

Consecutive periods of disqualification—When application for removal may be made—Whether consecutive periods to be treated as one total period—Whether applicant disqualified under second order for disqualification while first period still running—Road Traffic Act, 1960, s. 106 (2) (as amended by Road Traffic Act, 1962, s. 6). **Reg. v. Lambeth Metropolitan Magistrate,** *Ex parte* **Everett,** Divl.Ct. [1968] 1 Q.B. 446; [1967] 3 W.L.R. 1027.

Sentence, whether a

Driver disqualified and committed to quarter sessions for borstal training—Whether committal bad. **Reg. v. Surrey Quarter Sessions,** *Ex parte* **Comr. of Metropolitan Police,** Divl.Ct. [1963] 1 Q.B. 990; [1962] 2 W.L.R. 1203.

Whether periods of disqualification must be consecutive—Appeal to Court of Criminal Appeal—Power to vary—Criminal Appeal Act, 1907, s. 21—Road Traffic Act, 1962, s. 5 (5). **Reg. v. McNulty,** C.C.A. [1965] 1 Q.B. 437; [1964] 3 W.L.R. 1168.

ROAD TRAFFIC—*continued.*

Disqualification—*continued.*

Special reasons

Alcohol drunk exacerbated by inhalation of alcohol fumes—Effect of inhalation unknown to driver—Whether capable of amounting to special reasons—No constructive knowledge of alcohol content—Whether special reason—Road Traffic Act, 1962, s. 5 (1).
Brewer v. Metropolitan Police Comr., D.C. [1969] 1 W.L.R. 267.

Alcohol in blood exceeding prescribed limit by minimal amount—Whether "special reasons" for not ordering disqualification—Road Safety Act, 1967, ss. 1 (1), 5—Road Traffic Act, 1962, s. 5 (1).
Delaroy-Hall v. Tadman, D.C. [1969] 2 Q.B. 208; [1969] 2 W.L.R. 92.

Ambulance driver with urgent case—Traffic lights crossed at red—Scooter rider crossing on green light killed—Plea of guilty to causing death by dangerous driving—Driver told by hospital authority to hurry—Life of mother and unborn baby depending on speed at which hospital reached—Whether "special reasons" for not ordering disqualification—Whether necessity for sworn evidence by driver—Road Traffic Act, 1962, s. 5 (1). **Reg. v. Lundt-Smith,** Hinchcliffe J. [1964] 2 Q.B. 167; [1964] 2 W.L.R. 1063.

Diabetes—Medical condition unknown to driver—Whether relevant to driving with excessive proportion of alcohol in blood—Whether constituting special reason—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, ss. 1 (1), 5 (2) (*a*).
Goldsmith v. Laver, D.C. [1970] R.T.R. 162.

Driving ability unimpaired—Accident no fault of defendant—Whether mitigating circumstances—Whether special reason—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, s. 5 (2). **Taylor v. Austin,** D.C. [1969] 1 W.L.R. 264.

Errand of mercy at night—Driving not anticipated—No pre-driving inquiries about possible assistance elsewhere—Whether special reasons existing—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, ss. 1 (1), 5 (2) (*a*).
Reg. v. Baines, C.A. (1970) 54 Cr.App.R. 481; [1970] R.T.R. 455.

Failing to provide specimen for laboratory test—Defendant in hospital—In pain and dazed condition—Finding of failure without reasonable excuse—Whether capable of amounting to special reasons—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, ss. 3 (3), 5 (2) (*a*). **Scoble v. Graham,** D.C. [1970] R.T.R. 358.

Ignorance of exact quantity of alcohol in drink—Ignorance of quality of drink—Whether special reasons—Long time elapsing between drinking and provision of specimen for laboratory test—Whether aggravating offence—Rarity of special reasons for purposes of Act of 1967—Road Traffic Act, 1962, s. 5 (1).
Newnham v. Trigg, D.C. [1970] R.T.R. 107.

Journey of 400 yards after midnight when little traffic about—Whether capable of being special reason—Inability to walk far with artificial legs following amputation—Invalid carriage driven for employment and amenities—Maintenance by public funds if unemployed because disqualified—Whether "overwhelming considerations of public benefit" in emergency—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, s. 5 (2).
Mullarkey v. Prescott, D.C. [1970] R.T.R. 296.

Medical emergency—Driving not impaired—Road Safety Act, 1967, s. 1 (1)—Road Traffic Act, 1962, s. 2 (1) (4) (5).
Brown v. Dyerson, D.C. [1969] 1 Q.B. 45; [1968] 3 W.L.R. 615.

Reasons peculiar to offender not offence—Blood alcohol proportion exceeding prescribed limit—Condition caused by drink after sleeping tablets—Effects of combination unknown to driver—Whether special reason—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, s. 1 (1). **Reg. v. Scott (Note),** C.A. [1970] 1 Q.B. 661; [1969] 2 W.L.R. 1350.

Unreasonable refusal to provide specimen for laboratory test—Unimpaired driving ability —Cripple requiring transport—General state of health or bodily defect—Whether special reasons—Road Traffic Act, 1960, s. 6 (1)—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, s. 1 (1). **Reg. v. Jackson,** C.A. [1970] 1 Q.B. 647; [1969] 2 W.L.R. 1339.

Whether to be based on mitigating circumstances—Request to speak to solicitor after refusal to supply specimen for laboratory test—Whether capable of amounting to special reason—Road Traffic Act, 1962, s. 5 (1)—Road Safety Act, 1967, s. 3 (3) (6).
Hosein v. Edmunds, D.C. [1970] R.T.R. 51.

Drink

Blood alcohol

Accident—Double brandy consumed after ceasing to drive—Blood sample taken—Analysis showing prescribed limit exceeded—Whether test of proportion of alcohol in blood at time of driving—Whether evidence as to effect of taking a double brandy required—Road Safety Act, 1967, s. 1 (1). **Reg. v. Durrant,** C.A. [1970] 1 W.L.R. 29.

Alcohol in blood slightly more than statutory limit—Disqualification not imposed—Whether amount of excess alcohol can be a special reason for not disqualifying—Road Safety Act, 1967, ss. 1 (1), 5—Road Traffic Act, 1962, s. 5 (1).
Delaroy-Hall v. Tadman, D.C. [1969] 2 Q.B. 208; [1969] 2 W.L.R. 92.

ROAD TRAFFIC

Drink—*continued.*

Blood alcohol—continued.

"Breath test"—"Alcotest ® 80"—Instructions supplied with device—Essential for 20 minutes to elapse between drinking alcohol and test—Failure to comply with instructions—Whether carried out by a "device of a type approved for the purpose of such a test"—Whether subsequent arrest valid—Whether duty of police to inquire when alcohol last drunk—Road Safety Act, 1967, ss. 2 (4), 7 (1).
Webber v. Carey, D.C. [1969] 1 W.L.R. 1351.
H.L.(E.) [1970] A.C. 1072; [1969] 3 W.L.R. 1169.

————————Manufacturer's instructions — Storage — Equipment kept at temperatures above 86°F—Whether test vitiated—Onus of proof if mala fides or dishonesty raised in cross-examination—Whether on prosecution—Alsotest Instructions.
Gill v. Forster, D.C. [1970] R.T.R. 372.

————————Questions not raised during case for prosecution—Proof by prosecutor that device stored below 30°C—Whether necessary—Road Safety Act, 1967, s. 7 (1).
Sayer v. Johnson, D.C. [1970] R.T.R. 286.

————Conditions precedent to requirement of—"Accident"—Whether accident occurred—Essential ingredient of offence—Trial as preliminary issue in absence of jury—Whether desirable course—Road Safety Act, 1967, ss. 1 (1), 2 (2).
Reg. v. Seward, C.A. [1970] 1 W.L.R. 323.

————————"Arrest"—Person voluntarily accompanying police officer to station—Detention probable if provision of specimens declined—Whether an "arrest"—Person completing journey and leaving car with no intention of returning to it—Whether "person driving or attempting to drive"—Power to arrest under Act of 1960 and proceed under Act of 1967—Road Traffic Act, 1960, s. 6 (4)—Road Safety Act, 1967, ss. 1 (1), 2 (1) (7), 3 (1).
Campbell v. Tormey, D.C. [1969] 1 W.L.R. 189.

————————Presumption on arrest following positive breath test—Constable suspecting impairment of driving capacity—Propriety of making clear that arrest not only under Act of 1967 but also under Act of 1960—Road Traffic Act, 1960, s. 6 (4)—Road Safety Act, 1967, s. 2 (1).
Reg. v. Wall, C.A. [1969] 1 W.L.R. 400.

————————Constable suspecting driver of having alcohol in body—Grounds of suspicion—Whether time for grounds limited to actual driving of vehicle—". . . as soon as reasonably practicable after . . . commission of . . . offence"—Continuing offence—Requirement not made when offence first seen by constable—Whether made as soon as reasonably practicable after commission of offence—"Person driving"—Road Safety Act, 1967, s. 2 (1) (*a*) (*b*) proviso.
Reg. v. Price (Kenneth), C.A. [1968] 1 W.L.R. 1853.

————————Whether essential preliminary—Whether issue for jury—Road Safety Act, 1967, s. 2 (1) (*a*). **Reg. v. Moore,** C.A. [1970] R.T.R. 486.

————————"Driving . . . on a road or other public place"—Motor vehicle driven from public road on to private property—Specimen of breath required by constable when car stationary—Whether motorist driving at relevant time—Question of fact for jury—Constable and motorist on private property when requirement made—Whether permissible—Road Safety Act, 1967, s. 2 (1) (*a*) (*b*) proviso. **Reg. v. Jones (E. J. M.),** C.A. [1970] 1 W.L.R. 211.

————————Motor vehicle driven in normal manner—Vehicle stopped by police because of unilluminated number plate—Motorist leaving driving seat and after a long conversation police suspect consumption of alcohol—Two "breath tests" proving positive—Refusal to supply specimen of blood or urine for laboratory test—Whether motorist "driving or attempting to drive" when breath test requested—Road Safety Act, 1967, ss. 2 (1), 3.
Pinner v. Everett, H.L.(E.) [1969] 1 W.L.R. 1266.

————————Suspicion — Driver unaccompanied in moving vehicle with "L" plates—Whether irresistible inference of suspicion that traffic offence committed while vehicle in motion—Road Safety Act, 1967, s. 2 (1) (*b*) (3). **Timmins v. Perry,** D.C. [1970] R.T.R. 477.

————Constable signalling person driving on road to stop—Requirement for specimen made on private forecourt when vehicle stationary and about to be garaged—Whether power in constable to make requirement—Whether requirement made known "on a road or other public place"—Road Safety Act, 1967, s. 2 (1).
Trigg v. Griffin, D.C. [1970] R.T.R. 53.

ROAD TRAFFIC—*continued.*

Drink—*continued.*

Blood alcohol—continued.

"Breath test"—Defendant willing to give sample of breath but unable to inflate bag—Medical condition reasonable excuse for failure—Subsequent arrest and blood test—Conviction for driving with excess of blood alcohol—Whether arrest and subsequent conviction valid when reasonable excuse for failure to give breath sample—Road Safety Act, 1967, s. 2 (3) (5). **Hirst v. Wilson,** D.C. [1970] 1 W.L.R. 47.

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Subsequent arrest and blood test—Conviction for driving with excess of blood alcohol—Possibility that breathalyser device faulty—Validity of arrest—Road Safety Act, 1967, ss. 1 (1), 2 (1) (3) (5), 3 (1). **Hoyle v. Walsh,** D.C. [1969] 2 Q.B. 13; [1969] 2 W.L.R. 34.

——————Defendant's refusal — Arrest — Sole issue whether defendant had been arrested—Jury invited to consider defendant's evidence of alcohol consumed—Whether misdirection. **Reg. v. Urquhart,** C.A. (1970) 54 Cr.App.R. 369; [1970] R.T.R. 368.

——————"Device of a type approved . . . by Secretary of State"—"Alcotest"—Proof of approval—Approval signified by department official—Sufficiency—Statement in writing by official signifying approval—Whether admissible evidence in committal proceedings—Reading of depositions at trial—Whether official's deposition admissible evidence at trial—Criminal Justice Act, 1925, s. 13 (3)—Road Safety Act, 1967, s. 7 (1)—Criminal Justice Act, 1967, s. 2 (1) (7). **Reg. v. Holt,** C.A. [1968] 1 W.L.R. 1942.

——————————————Alcotest ® 80—Approval—Proof—Whether necessary—Whether judicially noticed—Road Safety Act, 1967, s. 7 (1). **Reg. v. Jones (Reginald William),** C.A. [1970] 1 W.L.R. 16.

——————————————Approval—Proof of—Breath Test Device (Approval) (No. 1) Order, 1968—Whether production of Stationery Office print of "order" sufficient—Documentary Evidence Act, 1967, s. 7 (1). **Reg. v. Clarke,** C.A. [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505.

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Whether personal approval by Secretary of State required—Official in Home Office deciding to approve device—Whether proper—"Alcotest"—Road Safety Act, 1967, s. 7 (1). **Reg. v. Skinner,** C.A. [1968] 2 Q.B. 700; [1968] 3 W.L.R. 408.

——————————————Device used for breath test—Whether proof of identity essential—Whether chattel—Destruction by police soon after use—Whether practice reasonable—Production—Whether necessary—Evidence of condition and nature—Whether admissible—Constable identifying by statement of inscription on container—Whether sufficient. **Miller v. Howe,** D.C. [1969] 1 W.L.R. 1510.

——————————————Proof of approval—"Alcotest ® 80"—Consignment note from Home Office supplies and transport stores—Whether admissible—Road Safety Act, 1967, s. 7 (1). **Reg. v. Gwilliam,** C.A. [1968] 1 W.L.R. 1839.

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——————————Whether approval presumed—Whether central to offence under section 1 (1) of Act of 1967—Procedure—Proof that blood specimen obtained in accordance with provisions of Act of 1967—Constable suspecting driver before requiring breath test—Breath test device indicating proportion of alcohol in blood exceeding prescribed limit—Arrest—Offer of further breath test at police station—Provision of blood specimen—Analysis—Availability for proof—Whether depending on compliance with procedure on charge under section 1 (1) of Act of 1967—Whether available on charge under Act of 1960—Road Safety Act, 1967, ss. 1 (1), 2 (1) (3) (4) (7), 7 (1)—Road Traffic Act, 1960, s. 6. **Scott v. Baker,** D.C. [1969] 1 Q.B. 659; [1968] 3 W.L.R. 796.

——————"... if ... person ... required ... to provide a specimen of breath ... fails to do so ..."—Whether failure to take test if device not inflated in one breath—Evidence by police that medical practitioner notified of proposal to require breath test and did not object—Whether police evidence hearsay and inadmissible—Road Safety Act, 1967, ss. 2 (2), 3 (2). **Reg. v. Chapman,** C.A. [1969] 2 Q.B. 436; [1969] 2 W.L.R. 1004.

——————Provision of specimen of breath—Charge of failure to provide blood or urine specimen for laboratory test—Whether proof of approval by Secretary of State of breath test device necessary—Road Safety Act, 1967, ss. 3 (3) (*a*), 7 (1). **Reg. v. Withecombe,** C.A. [1969] 1 W.L.R. 84.

——————Requirement by constable—Person dismounting from police car wearing constable's normal uniform but with head uncovered—Whether "constable in uniform"—Road Safety Act, 1967, s. 2 (1). **Wallwork v Giles,** D.C. [1970] R.T.R. 117.

ROAD TRAFFIC—*continued.*

Drink—*continued.*

Blood alcohol—continued.

" Breath test "—Requirement by constable of specimen of breath—Suspicion of defendant committing traffic offence while vehicle in motion—Fresh pursuit culminating in requirement off road—Events so closely related as to constitute one transaction—Whether requirement valid—Road Safety Act, 1967, s. 2 (1) (*b*) proviso.
Sasson v. Taverner, D.C. [1970] 1 W.L.R. 338.

————Specimen of breath—Arrest after breath test at station—Whether possible for purposes of Act of 1967 if defendant already under arrest—Whether further opportunity of breath test necessary at station where arrested—Laboratory test—Specimen—Provision—Defendant agreeing to provide blood—Whether change of mind to providing urine possible—Road Safety Act, 1967, ss. 2 (4) (7), 7 (2).
Rooney v. Haughton, D.C. [1970] 1 W.L.R. 550.

————————Not providing after opportunity given—No refusal—Whether " failure " to provide—Decision in law inevitably one way on agreed facts—Whether determination by jury necessary—Road Safety Act, 1967, s. 3 (1) (*b*).
Reg. v. Ferguson (Frank), C.A. (1970) 54 Cr.App.R. 415; [1970] R.T.R. 395.

————————Opportunity to provide—" At that station "—Whether same station as requirement and provision made of laboratory test specimen—Road Safety Act, 1967, ss. 3 (1), 4. **Butler v. Easton,** D.C. [1970] R.T.R. 109.

————————" Require "—Whether words making clear request as of right sufficient—" Fails to provide . . . specimen " of breath—Driving off before equipment brought from few yards away—Whether failure—Road Safety Act, 1967, s. 2 (1) (3). **Reg. v. Clarke (Christopher),** C.A. [1969] 1 W.L.R. 1109.

————Validity—Non-compliance with manufacturer's instructions—Alcotest ® 80 bag partially inflated—Whether failure to provide specimen of breath for breath test—Bag fully inflated in two breaths—Whether test valid—Device indicating excess proportion of alcohol—Whether arrest justified—Onus of proof—Mala fides or unreasonableness—Whether for prosecution to negative if not raised—Road Safety Act, 1967, ss. 2 (4) (5), 7 (3). **Rendell v. Hooper,** D.C. [1970] 1 W.L.R. 747.

Defence—" Material time "—Defendant in charge of motor vehicle in public place—Alcohol in blood found to exceed prescribed limit—Statutory defence—Defence that so hopelessly drunk that no likelihood of driving—Whether necessary to prove that no likelihood of driving while any probability of alcohol in blood exceeding limit—Road Safety Act, 1967, s. 1 (2) (3).
Northfield v. Pinder, D.C. [1969] 2 Q.B. 7; [1969] 2 W.L.R. 50.

Driving motor-vehicle when alcohol in blood exceeded prescribed limit—No order of disqualification—Special reasons—Procedure on not disqualifying—Whether " medical emergency " and " driving not impaired " special reasons—Road Safety Act, 1967, s. 1 (1)—Road Traffic Act, 1962, s. 9.
Brown v. Dyerson, D.C. [1969] 1 Q.B. 45; [1968] 3 W.L.R. 615.

Driving with excess—No impairment of driving ability—Accident not fault of defendant—Whether special reason for not disqualifying—Road Safety Act, 1967, s. 1 (1).
Taylor v. Austin, D.C. [1969] 1 W.L.R. 264.

" Person driving "—Conflicting versions—Whether jury to be directed on result of each version—Locking car door—Whether last act of " driving "—Road Safety Act, 1967, s. 2 (1). **Reg. v. Garforth,** C.A. [1970] R.T.R. 415.

————Vehicle stationary with person dismounted—Facts not in dispute—Whether question of law or fact—Whether defendant " person driving "—Road Safety Act, 1967, s. 2 (1). **Reg. v. Kelly (Francis William),** C.A. [1970] 1 W.L.R. 1050.

————Vehicle stationary with person in driving seat or dismounted—Test—Whether actions after vehicle's motion ceasing connected with driving—Motorist stopping for 20 minutes to converse with passengers—Whether person driving—Road Safety Act, 1967, s. 2 (1). **Stevens v. Thornborrow,** D.C. [1970] 1 W.L.R. 23.

Requirement—" There or nearby "—" As soon as reasonably practicable "—Finding that requirement not made there or nearby or as soon as reasonably practicable—Whether questions of degree and fact—Whether court on appeal able to interfere—Road Safety Act, 1967, s. 2 (1).
Arnold v. Kingston-upon-Hull Chief Constable, D.C. [1969] 1 W.L.R. 1499.

————————" Nearby "—Reason for insertion in section—Whether to cover breath test administration not on main traffic road but in lay-by—" Nearby "—Whether for judging in purely geographical sense—Road Safety Act, 1967, s. 2 (1).
Donegani v. Ward, D.C. [1969] 1 W.L.R. 1502.

Specimen under section 3—Analysis—Alcohol consumed after driving ceased—Adjustment to establish alcohol proportion in blood when driving—Whether permissible—Analyst's certificate—Whether valid—Road Safety Act, 1967, ss. 1 (1), 3.
Reg. v. Hamilton, C.A. [1970] 3 All E.R. 284; [1970] R.T.R. 417.

ROAD TRAFFIC—*continued.*

Drink—*continued.*

Blood alcohol—continued.

Specimen under section 3—Analyst's certificate—Admissibility in evidence—Conditions precedent—Arrest of person in charge of motor vehicle—No medical evidence of impaired driving ability—Intention to proceed under Act of 1960 not abandoned—Charge under Act of 1967—Whether analysis evidence admissible—Road Traffic Act, 1960, s. 6 (2) (4)—Road Safety Act, 1967, ss. 1 (2), 3 (1).
Coneys v. Nicholson (Note), D.C. [1970] R.T.R. 231.

————Arrest under Act of 1960—Intention to proceed under Act of 1960 not abandoned—Provision of laboratory test specimen—Charge under Act of 1967—Whether certificate admissible—Road Traffic Act, 1960, s. 6 (1) (4)—Road Safety Act, 1967, ss. 2 (1), 3 (1). **Humphreys v. Thompson,** D.C. [1970] R.T.R. 228.

————Charge under Act of 1967—Arrest under Act of 1960—No evidence that proceedings under Act of 1960 abandoned—Road Traffic Act, 1960, s. 6 (4)—Road Safety Act, 1967, ss. 1 (1), 3 (1). **Atkinson v. Lumsden (Note),** D.C. [1970] R.T.R. 235.

————————Blood specimen—" Part of a . . . specimen "—Storage pending analysis—Instruction or warning—Whether duty on police to give when supplying sample to accused—Road Traffic Act, 1962, s. 2 (4).
Doctorine v. Watt, D.C. [1970] R.T.R. 305.

————————————————Sufficiency—Question of quality or quantity—Whether trial-within-a-trial to be held to decide if proper issue for jury—Road Traffic Act, 1962, s. 2 (4).
Reg. v. Neil, C.A. [1970] R.T.R. 284.

————————Charge under Act of 1967—Condition precedent to requirement of—" Arrest "—Issue whether or not there has been an arrest—Withdrawing issue from jury—Whether irregularity—Whether conviction unsatisfactory—Road Safety Act, 1967, s. 3 (1). **Reg. v. Ayres (Note),** C.A. [1970] R.T.R. 398.

————————Conditions precedent to requirement of—" Arrest "—Need for clear words to bring home to defendant in circumstances that under compulsion followed by submission. **Alderson v. Booth,** D.C. [1969] 2 Q.B. 216; [1969] 2 W.L.R. 1252.

————————————————Validity—No indication that defendant had alcohol in his body while driving—Request for breath test made appreciable time after defendant left car—Arrest following refusal—Subsequent refusal to provide specimen—Whether defendant " driving "—Whether arrest lawful—Whether failure to provide specimen an offence—Road Safety Act, 1967, ss. 2 (1) (*a*), 3 (3) (*a*). **Reg. v. Bove,** C.A. [1970] 1 W.L.R. 949.

————————Constable observing defendant negotiating roundabout—Breath smelling of alcohol—Constable requiring specimen of breath—Refusal by defendant—Constable suspecting defendant of having alcohol in body, and committing moving traffic offence—Defendant believing no reasonable cause for suspicion—Whether refusal to provide specimens justified—Road Safety Act, 1967, ss. 2 (1) (*a*) (*b*) (2), 3 (3).
Reg. v. Downey, C.A. [1970] R.T.R. 257.

————————Deterioration—Incapability of being analysed soon after provision—Whether evidence that part not " part of a . . . specimen "—Other parts analysed—Finding that part specimen sufficient—Whether maintainable—Road Traffic Act, 1962, s. 2 (4). **Ward v. Keene,** D.C. [1970] R.T.R. 177.

————————Division—Samples placed in cups containing crystals—Crystals not stated not to contain alcohol—Inference that crystals merely anti-coagulant—Whether proper—Police posting sample to laboratory for analysis—Analysed sample not stated to have been taken from defendant—Inference that sample proved to have been taken from defendant—Whether proper.
Braddock v. Whittaker, D.C. [1970] R.T.R. 288.

————————Driver required to provide specimen " while at a hospital as a patient "—Refusal—Provision of specimen later at police station—No arrest—Whether compliance with procedure—Road Safety Act, 1967, s. 3 (1) (2).
Bosley v. Long, D.C. [1970] 1 W.L.R. 1410.

————————Failure to provide—Defendant being questioned about traffic offence—Arrest for insulting behaviour—Violent altercation—Smell of drink—Decision to arrest for driving while unfit to drive through drink—Impossible to explain to defendant before arrival at police station—Whether arrest valid—Road Safety Act, 1967, ss. 3 (3), 6 (4). **Reg. v. Gordon (Elliston),** C.A. (1969) 53 Cr.App.R. 614; [1970] R.T.R. 125.

————————————Doctor failing in efforts to obtain blood specimen—Defendant refusing to provide urine specimen for testing by same doctor—Whether " reasonable excuse " for failing to provide laboratory test specimen—Road Safety Act, 1967, s. 3 (3).
Reg. v. Harling, C.A. [1970] 3 All E.R. 902; [1970] R.T.R. 441.

ROAD TRAFFIC—*continued.*

Drink—*continued.*

Blood alcohol—continued.

Specimen under section 3—Failure to provide—Embarrassment—Mental condition—Physical injuries—Embarrassment at providing urine—No "reasonable excuse" for refusing blood—Road Safety Act, 1967, s. 3 (3).
Rowland v. Thorpe, D.C. [1970] 3 All E.R. 195; [1970] R.T.R. 406.

——————————Reasonable excuse for failure—Whether defendant warned as to consequences of not doing so—Question for jury—Whether "reasonable excuse"—Road Safety Act, 1967, s. 3 (3) (*a*) (6) (10).
Reg. v. Dolan, C.A. [1969] 1 W.L.R. 1479.

——————————————————Whether for prosecution to eliminate defence—"Refuses" to provide specimen—Whether refusal to be inferred from words and conduct—Road Safety Act, 1967, ss. 1 (1), 3 (3) (6).
Reg. v. Clarke (Christopher), C.A. [1969] 1 W.L.R. 1109.

——————————When offence complete—Whether on refusal of second request for blood specimen—Subsequent offer of specimen—Whether refusal of offer permissible—Road Safety Act, 1967, s. 3 (3) (6).
Procaj v. Johnstone, D.C. [1970] R.T.R. 49.

——————Hospital patient—Medical practitioner—Request for specimens notified to person acting as duty casualty officer—Acquiescence—Refusal to provide by patient—Whether prima facie "medical practitioner in immediate charge of his case"—Road Safety Act, 1967, s. 2 (2) (3). **Jones v. Brazil,** D.C. [1970] R.T.R. 449.

————————Medical practitioner agreeing to provision of specimen of blood—Agreement not valid for specimen of urine—Road Safety Act, 1967, s. 3 (2) (3). **Reg. v. Green (Note),** Donaldson J. [1970] 1 All E.R. 408; [1970] R.T.R. 193.

——————"**Part of a . . . specimen**"—Capability of being analysed—Specimen congealing before earliest possible analysis—Whether sufficient—Whether quantity to be sufficient for analysis by methods other than using gas chromatography—Road Traffic Act, 1962, s. 2 (4)—Road Safety Act, 1967, ss. 1 (1), 3 (8).
Earl v. Roy, D.C. [1969] 1 W.L.R. 1050.

——————————————————————————

Whether to be such as to permit proper analysis by reasonably competent analyst using readily available equipment—Quantity—Whether to be sufficient to admit of proper analysis—Onus of proof of sufficiency and capability of being analysed—Whether on prosecution—Road Traffic Act, 1962, s. 2 (4)—Road Safety Act, 1967, ss. 1 (1), 3 (8).
Reg. v. Nixon (John), C.A. [1969] 1 W.L.R. 1055.

————————————————Suitability—Analysis possible only by gas chromatography—Use by both analysts—Finding that part specimen suitable—Whether justified—Road Traffic Act, 1962, s. 2 (4).
Smith v. Cole, D.C. [1970] R.T.R. 459.

——————Provision of—Breath test and requirement of blood specimen at one police station—Provision of specimen at another station—Whether analyst's certificate admissible—Road Safety Act, 1967, ss. 3 (1), 4.
Butler v. Easton, D.C. [1970] R.T.R. 109.

——————————Driver refusing to provide specimen except from big toe—"Requirement"—Whether doctor having discretion regarding site of body from where blood taken—Whether driver having "reasonable excuse"—Road Safety Act, 1967, s. 3 (3). **Solesbury v. Pugh,** D.C. [1969] 1 W.L.R. 1114.

——————Requirement—Constable's option to request blood or urine—Initial request for blood only—Warning of penalties for failing to supply—Whether both blood and urine to be mentioned—Blood only mentioned—Whether possibly misleading and prejudicial—No prejudice following failure to warn—Court's discretion not to direct acquittal—Road Safely Act, 1967, s. 3 (1) (6) (10).
Reg. v. Moore, C.A. [1970] R.T.R. 486.

——————————Refusal of request for blood or urine—Subsequent refusal of request for urine in lieu of blood—No request for two specimens of urine within hour—Whether necessary—Road Safety Act, 1967, s. 3 (3) (6) (*b*).
Reg. v. Pursehouse, C.A. [1970] 3 All E.R. 218; 54 Cr.App.R. 478; [1970] R.T.R. 494.

——————————Request for blood only—No mention of urine—Statutory warning given—Specimen of blood provided—Whether prejudice—Road Safety Act, 1967, s. 3 (1) (6) (10). **Reg. v. Forbes (Note),** C.A. [1970] R.T.R. 491.

ROAD TRAFFIC—*continued.*

Drink—*continued.*

Blood alcohol—continued.

Specimen under section 3—Whether person obliged to provide blood if preferring to provide urine—Warning of consequences of failure to provide specimen—Whether absence of proof that warning given fatal to conviction—Dispute over giving of warning—Whether trial within trial to be held in jury's absence—Purpose—Whether decision depending on prejudice to defendant to warn—Charge of driving or attempting to drive or being in charge of vehicle—Relevant questions for jury—Charge of failure to provide specimen—Defence of "reasonable excuse"—Whether facts relating to warning to be canvassed in evidence again before jury—Road Safety Act, 1967, ss. 1 (1) (2), 3 (1) (3) (10). **Reg. v. Brush,** C.A. [1968] 1 W.L.R. 1740.

Drink, driving while under influence of

Arrest without warrant

Breath smelling of alcohol—Whether sufficient to justify arrest—Road Traffic Act, 1960, s. 6 (4). **Reg. v. Way,** Ct.-M.A.C. [1970] R.T.R. 348.

No offence committed by driver—Liability of police constable—Road Traffic Act, 1960, s. 6 (4). **Wiltshire v. Barrett,** C.A. [1966] 1 Q.B. 312; [1965] 2 W.L.R. 1195.

Blood alcohol

Evidence—Admissibility of analyst's certificate—Specimen taken for purpose of charge under Act of 1967—Whether analysis evidence admissible on charge under Act of 1960—Whether discretion in court to exclude if obtaining of specimen improperly and unfairly prejudicial to defendant—Road Traffic Act, 1960, s. 6 (1)—Road Traffic Act, 1962, s. 2 (1)—Road Safety Act, 1967, ss. 2, 3 (1) (10). **Reg. v. Sadler,** C.A. [1970] 1 W.L.R. 416.

———Analyst's certificate—Admissibility of—Blood from syringe expelled into three capsules of which accused given one—Whether "part of a single specimen . . . divided into two parts"—Road Traffic Act, 1962, s. 2 (4).
Kidd v. Kidd, D.C. [1969] 1 Q.B. 320; [1968] 3 W.L.R. 734.

Driving while disqualified

Analyst's certificate—Admissibility of—Separate certificates based on different specimens of urine supplied at request of police constable and medical practitioner—No offer to supply defendant with part of either specimen—Whether admissible as evidence for prosecution—Road Traffic Act, 1962, s. 2 (1) (4) (5).
Reg. v. Dooley, Judge Chapman [1964] 1 W.L.R. 648.

Sentence—Persistent offender—Whether preventive detention appropriate.
Reg. v. Smith, C.C.A. [1961] 1 W.L.R. 1046.

Evidence

Fitness or unfitness to drive—Opinion of another driver—Whether expert witness—Whether admissible—Road Traffic Act, 1960, s. 6.
Reg. v. Davies, Ct.-M.A.C. [1962] 1 W.L.R. 1111.

———Specimen of urine—Accused's request for part to be supplied—When to be supplied—Whether supply within a reasonable time—Road Traffic Act, 1960, s. 6 (1)—Road Traffic Act, 1962, s. 2 (4) (*b*).
Reg. v. Sharp, C.A. [1968] 2 Q.B. 564; [1968] 3 W.L.R. 333.

Medical evidence—Analyst's certificate certifying amount of alcohol in body—Analyst not called—Evidence by doctor of equivalent amount of alcohol consumed—Reference to analyst's tables published by British Medical Association—Evidence of body's destruction rate of alcohol—Reference to rates published by association—Admissibility—Road Traffic Act, 1962, s. 2 (2). **Reg. v. Somers,** C.C.A. [1963] 1 W.L.R. 1306.

———Direction to jury that doctor's evidence "to be accepted" misleading.
Reg. v. Lanfear, C.A. [1968] 2 Q.B. 77; [1968] 2 W.L.R. 623.

———Examination by doctor—Purpose explained to defendant—To see whether suffering from illness—Evidence given by doctor that defendant unfit to drive through drink—Whether admissible. **Reg. v. Payne,** C.C.A. [1963] 1 W.L.R. 637.

Specimen of urine—Offer to supply part to person providing—Failure to make contemporaneous offer—Whether evidence to be excluded as a matter of law—Whether within discretion of judge—Road Traffic Act, 1962, s. 2 (5).
Reg. v. Mitten, C.C.A. [1966] 1 Q.B. 10; [1965] 3 W.L.R. 268.

———Whether to be made at time of request for specimen—Road Traffic Act, 1962, s. 2 (5).
Reg. v. Price (Maurice), C.C.A. [1964] 2 Q.B. 76; [1963] 3 W.L.R. 1027.

ROAD TRAFFIC—*continued.*

Driver, identity of

Duty to give information

Driver alleged to be guilty of offence under Act—Refusal by owner to give information—Owner's statement that no one driving car at time of alleged offence—Whether for prosecution to prove initially that car involved in offence—Whether then shifts to owner to show he did not know and could not with reasonable diligence have ascertained who the driver was—Road Traffic Act, 1960, ss. 77, 232 (2) (3).
Neal v. Fior, D.C. [1968] 1 W.L.R. 1875.

Driver alleged to be guilty of offence under regulations—Whether an "offence" under Part I of the Road Traffic Act, 1960—Whether regulations an "enactment"—Whether imposition of penalty necessary to create offence—Road Traffic Act, 1960, ss. 64, 232 (1) (*a*) (*e*) (2) (*a*), 239—Motor Vehicles (Construction and Use) Regulations, 1955, regs. 89, 104.
Rathbone v. Bundock, Divl.Ct. [1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066.

Driver not owner—Driver alleged to be guilty of offence under parking and police regulations—Refusal by driver to give information incriminating herself—Whether driver "any other person" required to give information—Police regulations made under Part I of Road Traffic Act, 1960—Whether power to require information—Road Traffic Act, 1960, ss. 35, 232 (2) (*b*)—London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1960, reg. 8. **Bingham v. Bruce,** Divl.Ct. [1962] 1 W.L.R. 70.

Request for information signed by police inspector—Superintendent in charge of subdivision authorised inspector's action—No express delegation by chief officer of police of power to request information—Whether implied delegation to superintendent and inspector—Road Traffic Act, 1960, s. 232 (2) (*a*).
Nelms v. Roe, D.C. [1970] 1 W.L.R. 4.

Request for information signed by police sergeant—No evidence that sergeant acting with authority of chief officer of police—Whether request "on behalf of chief officer of police"—Road Traffic Act, 1960, s. 232 (2) (*a*).
Record Tower Cranes Ltd. v. Gisbey, D.C. [1969] 1 W.L.R. 148.

Driving without reasonable consideration

Public service vehicle

Vehicle driven at high speed—Passengers alarmed—Whether passengers "other persons using the road"—Road Traffic Act, 1960, s. 3 (1).
Pawley v. Wharldall, Divl.Ct. [1966] 1 Q.B. 373; [1965] 3 W.L.R. 496.

Drug, driving under the influence of

Diabetic

Insulin—Hypoglycaemic episode—Whether injected insulin effective cause—Road Traffic Act, 1960, s. 6.
Watmore v. Jenkins, Divl.Ct. [1962] 2 Q.B. 572; [1962] 3 W.L.R. 463.

"*In charge*"

Supervisor accompanying provisional licence holder when driving—Whether supervisor "in charge"—"No likelihood of his driving"—Burden of proof—Husband supervising wife driving—Whether possible for husband to discharge burden—Road Safety Act, 1967, s. 1 (2) (3)—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 7 (1) (5).
Sheldon v. Jones, D.C. [1970] R.T.R. 38.

Drunk in charge of motor vehicle

"*In charge*"

"No likelihood of his driving the vehicle so long as he remained unfit to drive"—Intention not to drive—Whether intention might be departed from—Burden of proof—Road Traffic Act, 1960, s. 6 (2). **Morton v. Confer,** Divl.Ct. [1963] 1 W.L.R. 763.

Dual-purpose vehicle

Adapted goods vehicle

Standard mini-van fitted with side windows—Panels put up from time to time totally obscuring windows—Whether "lit on each side by windows"—Whether "dual-purpose" vehicle—Road Traffic Act, 1960, Sch. 1, para. 14.
Popperwell v. Cockerton, Divl.Ct. [1968] 1 W.L.R. 438.

Goods vehicle. (*See also* **Dual-purpose vehicle.**)

Licence

"C" carrier's licence—Sand and gravel operators—Necessity to fill in excavated pit—Rubbish obtained from builders—Payment by builders for removal of rubbish from building site—Rubbish carried in "C" licence vehicle—Whether rubbish "goods . . . used . . . in the course of a trade or business" carried on by operators—Whether "carriage of goods for hire or reward"—Road Traffic Act, 1960, ss 164 (5) (*a*), 168 (3).
Hammond v. Hall & Ham River Ltd., H.L.(E.) [1965] A.C. 1049; [1965] 3 W.L.R. 337.

ROAD TRAFFIC—*continued.*

Goods vehicle—*continued.*

Mirrors

Equipped with mirrors enabling driver to see traffic in rear when vehicle unloaded or carrying normal load—Vehicle carrying indivisible laterally projecting load obscuring driver's view in mirrors—Whether equipped with mirrors in compliance with regulation—Motor Vehicles (Construction and Use) Regulations, 1963, reg. 17 (1) (*a*).
Mawdsley v. Walter Cox (Transport) Ltd., Divl.Ct. [1966] 1 W.L.R. 63.

Prohibition

Notice—Vehicle owned by limited company—Individual named as owner in notice—Signature of person to whom notice given—Whether prima facie evidence that notice given to person in charge at time of inspection—Vehicle owner rectifying defects within period specified in notice—Whether evidence that notice received by owner—Owner's records showing use of vehicle before prohibition removed—Whether prima facie evidence of offence—Road Traffic Act, 1960, s. 184 (2) (*a*) (*b*) (5).
T. H. Brown v. Baggott, D.C. [1970] R.T.R. 319.

Working time

Employed driver exceeding lawful periods—Employer having no actual knowledge—Absence of staff at yard, device on vehicle, and arrangements for telephoning—Whether employer permitted driver to drive for unlawful period—Whether knowledge to be imputed to employer—Road Traffic Act, 1960, s. 73 (1) (*c*) (ii).
Grays Haulage Co. Ltd. v. Arnold, Divl.Ct. [1966] 1 W.L.R. 534.

Records—" Driver "—Salesman provided by employers with van and petrol allowance—No obligation on salesman to use van—Freedom to do work in own time and by any form of transport—Whether salesman " part-time driver " when using van—Employers' obligation to keep record of hours of employment on vehicle—Road Traffic Act, 1960, s. 186—Goods Vehicles (Keeping of Records) Regulations, 1955, reg. 5.
Gross Cash Registers Ltd. v. Vogt, Divl.Ct. [1967] 2 Q.B. 77; [1966] 2 W.L.R. 470.

————Duty to cause to be kept—Driver's inaccuracies—No advance knowledge by employer of inaccuracies—Warning on record sheets that drivers required to keep records—Whether employer " used all due diligence " to comply with statutory requirements—Road Traffic Act, 1960, s. 186—Road Traffic Act, 1962, s. 20—Goods Vehicles (Keeping of Records) Regulations, 1935, reg. 6.
Wurzal v. W. G. A. Robinson (Express Haulage) Ltd., D.C. [1969] 1 W.L.R. 996.

————————————Whether absolute—Employer's delegation of duty—Duty reasonably delegated to person believed to be competent—Duty not performed efficiently—Whether employer " used all due diligence " to comply with statutory requirements—Whether guilty of offence—Road Traffic Act, 1960, s. 186—Road Traffic Act, 1962, s. 20—Goods Vehicles (Keeping of Records) Regulations, 1935, reg. 6.
Series v. Poole, Divl.Ct. [1969] 1 Q.B. 676; [1968] 2 W.L.R. 261.

————Evidence — Duplicate consignment notes of firm from which goods carried — Whether admissible in evidence against vehicle licence holder—Discrepancy between notes and driver's records—Whether prima facie evidence that records inaccurate—Road Traffic Act, 1960, s. 186 (1)—Goods Vehicles (Keeping of Records) Regulations, 1935, reg. 6. **T. H. Brown Ltd. v. Baggott (No. 2)**, D.C. [1970] R.T.R. 323.

Working time fatigue

Driver cutting up scrap for his employer after day's driving—Optional—Driver's choice to earn overtime by so doing—Work for benefit of employer and driver—Whether counting as " hours for rest "—Road Traffic Act, 1960, s. 73 (1) (4).
Potter v. Gorbould, D.C. [1970] 1 Q.B. 238; [1969] 3 W.L.R. 810.

Driver handing over vehicle to relief driver at away town—Option given to driver to stay overnight at away town with subsistence allowance or to return to base in employer's private car and obtain payment for time spent in travelling—Whether time occupied in travelling in car back to base " hours for rest "—Whether part of terms of employment—Whether " time . . . driver . . . bound . . . to obey . . . directions of . . . employer "—Goods Vehicles (Keeping of Records) Regulations, 1935, reg. 6 (1)—Road Traffic Act, 1960, ss. 73 (1) (*c*) (4), 186 (1) (*a*). **Witchell v. Abbott**, Divl.Ct. [1966] 1 W.L.R. 852.

Land implement

Agricultural elevator

Machine run by own electric engine—Capable by adaptation of running by belt and pulley from tractor—Machine towed along road by lorry—Whether a " land implement "—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 3.
Hockin v. Reed & Co. (Torquay) Ltd., Divl.Ct. (1962) 60 L.G.R. 203.

Earth scraper

Scraper used for civil engineering work on building sites—Tractor with trailer—Used for levelling land and moving spoil—No evidence of use for agriculture or farming—Whether " used . . . in connection with agriculture "—Whether " land implement "—Motor Vehicles (Construction and Use) Regulations, 1966, reg. 3.
Markham v. Stacey, D.C. [1968] 1 W.L.R. 1381.

ROAD TRAFFIC—*continued.*

Licence

Carriage of goods for reward

Vehicles with "A" licence required—Contract performed by vehicles with "C" licence—Defect only known to one party—Effect on claim under contract—Road and Rail Traffic Act, 1933, ss. 1, 2.
Archbolds (Freightage) Ltd. v. S. Spanglett Ltd. (Randall Third Party), C.A. [1961] 1 Q.B. 374; [1961] 2 W.L.R. 170.

Carrier

Revocation—Transport Tribunal—Jurisdiction to discipline—Carriers convicted and fined for overloading—Public inquiry by licensing authority—Order curtailing and suspending licences—Whether jurisdiction to punish or discipline carriers of good repute already punished by courts—Nature of jurisdiction—Road Traffic Act, 1960, s. 178 (1) (b).
In re **R. Hampton & Sons,** C.A. [1966] 1 Q.B. 135; [1965] 3 W.L.R. 576.

Driving licence

Application for driving licence—Declaration by applicant that not suffering from epilepsy—Licensing authority satisfied on inquiry that suffering from epilepsy—Refusal to grant licence—Whether applicant "aggrieved" by refusal—Whether right of appeal—Road Traffic Act, 1960, ss. 100, 103. **Reg. v. Cardiff Justices,** *Ex parte* **Cardiff Corpn.,** Divl.Ct. [1962] 2 Q.B. 436; [1962] 2 W.L.R. 771.

——————Knowingly making false statement—"Disability . . . likely to cause . . . driving . . . to be a source of danger . . ."—"Would be likely"—"Could be likely"—Deafness—Whether wholly deaf driver danger to public—Mother applying for licence for deaf son and stating no "other disability"—Whether knowingly making false statement—Road Traffic Act, 1960, ss. 100, 113, 235—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 4, Sch. 2—Motor Vehicles (Driving Licences) (Amendment) Regulations, 1965, Sch. **Woodward v. Dykes,** D.C. (1969) 67 L.G.R. 168.

——————Requirements as to physical fitness—Epilepsy controlled by drugs—Chance of attack practically eliminated so long as drugs taken—Whether "suffering from" epilepsy—Road Traffic Act, 1960, s. 100 (1) (2).
Devon County Council v. Hawkins, Divl.Ct. [1967] 2 Q.B. 26; [1967] 2 W.L.R. 285.

Driving permit issued to serviceman of visiting force—No British driving licence—Serviceman supervising learner driver—Whether aiding and abetting learner to commit offence—Whether driving permit equivalent to driving licence—Road Traffic Act, 1960, ss. 98 (1) (2), 102, 115—Magistrates' Courts Act, 1952, s. 35—Motor Vehicles (International Circulation) Act, 1952, s. 1 (2) (b)—Motor Vehicles (Driving Licences) Regulations, 1950, regs. 3, 16 (3) (a)—Motor Vehicles (International Circulation) Order, 1957, art. 3 (1) (a).
Urey v. Lummis, Divl.Ct. [1962] 1 W.L.R. 826.

Endorsement of—Goods vehicle carrying insecure load likely to cause danger—Conviction—Whether endorsement of licence compulsory—Road Traffic Act, 1960, s. 64 (1) (2) (as amended by Road Traffic Act, 1962, s. 7 (1), Sch. 1, Pt. II, para. 19)—Motor Vehicles (Construction and Use) Regulations, 1963, reg. 73 (2).
Beighton v. Brown, Divl.Ct. [1965] 1 W.L.R. 553.

——————Motor cyclist carrying passenger in manner likely to cause danger to person on vehicle—Whether endorsement compulsory—Road Traffic Act, 1960, s. 64 (2)—Road Traffic Act, 1962, s. 7 (1), Sch. 1, Pt. II, para. 19—Motor Vehicles (Construction and Use) Regulations, 1966, reg. 75 (1) (3).
Reg. v. Bromley Justices, *Ex parte* **Church,** D.C. [1970] R.T.R. 182.

Endorsement of

Attempt to take and drive away motor vehicle without lawful authority—Common law misdemeanour—Not a specified statutory offence—Whether justices entitled to endorse licence—Whether part of a penalty for road traffic offence—Road Traffic Act, 1960, s. 217—Road Traffic Act, 1962, s. 7.
Bell v. Ingham, D.C. [1969] 1 Q.B. 563; [1968] 3 W.L.R. 401.

Excise licence

Application—Applicant signing declaration without checking particulars—Falsity of particulars known to applicant—No intention to make false declaration—Whether applicant making "declaration which to his knowledge is false or misleading"—Vehicles (Excise) Act, 1962, s. 17 (2) (a). **Bloomfield v. Williams,** D.C. [1970] R.T.R. 184.

"Fraudulently uses"—Intent—Use on one vehicle of licence issued in respect of another—Whether necessary to prove that vehicle on which used requires licence—Whether necessary to prove intent to avoid payment of proper duty—Licence fixed to van to avoid police inquiries—Evidence that van no longer mechanically propelled vehicle—Whether sufficient that police deceived—Vehicles (Excise) Act, 1962, s. 17 (1).
Reg. v. Manners-Astley, C.A. [1967] 1 W.L.R. 1505.

Keeping vehicle on road—Ownership of vehicle—Whether essential to offence—Vehicles (Excise) Act, 1962, s. 7. **Napthen v. Place,** D.C. [1970] R.T.R. 248.

ROAD TRAFFIC—*continued.*

Licence—*continued.*

Excise licence—continued.

" . . . keeps on a public road any . . . vehicle . . ."—" Keeps "—Dealer rearranging showroom—Unlicensed motor vehicle left on public road outside showroom—Whether mere presence of vehicle constitutes offence—Vehicles (Excise) Act, 1962, s. 7.
Dudley v. Holland, Divl.Ct. [1965] 1 Q.B. 31; [1963] 3 W.L.R. 970.

General trade licence

Dealer and repairer of vehicles exchanging vehicle for pony—General trade plates used for vehicle carrying pony to sale—Cash from sale put into licence holder's business—Whether vehicle used for unlicensed purpose—Vehicles (Excise) Act, 1962, s. 17 (3)—Road Vehicles (Registration and Licensing) Regulations, 1964, reg. 38 (1).
Murphy v. Brown, D.C. [1970] R.T.R. 190.

Lorry owned by motor dealers—Dealers extending showrooms and garages—Lorry used for building operations—Whether used for business of motor dealers—Whether two businesses—Road Vehicles (Registration and Licensing) Regulations, 1955, reg. 29, art. D (1). **James v. Evans Motors (County Garages) Ltd.,** Divl.Ct. [1963] 1 W.L.R. 685.

Repairer of and dealer in vehicles crushing unusuable parts as scrap—Scrap carried in lorry used under general trade plates—Carriage for dumping—Carriage for selling—Whether lorry used for unlicensed purpose—Vehicles (Excise) Act, 1962, s. 17 (3)—Road Vehicles (Registration and Licensing) Regulations, 1964, reg. 38 (1).
Balch v. Beeton, D.C. [1970] R.T.R. 138.

Goods vehicle

" A " carrier's licence—Declaration of normal user—Prescribed form—Application for additional " A " licence—Whether " A " licence holder subject to restrictions on normal user in respect of goods carried—Whether prescribed form ultra vires in requiring description of goods to be carried—" Facilities for the transport of goods "—Meaning—Whether including goods—Road Traffic Act, 1960, ss. 172 (2) (*a*) (*b*), 174 (4) (*b*), 178 (1) (*d*), 190 (1).
Munson v. British Railways Board, C.A. [1966] 1 Q.B. 813; [1965] 3 W.L.R. 781.

———Trailers specified by unladen weight—Whether " type " of trailer includes unladen weight—Power of licensing authority—Road Traffic Act, 1960, s. 167 (1).
Arthur Sanderson (Great Broughton) Ltd. v. Vickers, Divl.Ct. (1964) 62 L.G.R. 350.

Application for " A " licence—Contract " A " licence-holders' desire to enter into trunking system—Application for " A " licence supported by customer—View of licensing authority that not in customer's best interest—Whether a ground for refusing licence—Road Traffic Act, 1960, s. 174.
Arnold Transport (Rochester) Ltd. v. British Transport Commission, C.A. [1963] 1 Q.B. 457; [1961] 3 W.L.R. 1358.

———" Switch " of " C " licence vehicles from parent company to subsidiary—Desire to increase carrying capacity for return loads—Undertaking to carry only goods of parent company on outward journey—Whether " A " licence appropriate—Whether licensing authority entitled to look at substance—Relevance of relationship between parent and subsidiary company—Road Traffic Act, 1960, s. 174.
Merchandise Transport Ltd. v. British Transport Commission, C.A. [1962] 2 Q.B. 173; [1961] 3 W.L.R. 1358.

" C " carrier's licence—Farmer conveying hatching eggs in van—Whether eggs " articles required for purposes of . . . agricultural land "—Whether van a " farmer's goods vehicle "—" Agriculture "—" Agricultural land "—Vehicles (Excise) Act, 1949, s. 27 (1)—Agriculture Act, 1947, s. 109 (1) (3)—Road Traffic Act, 1960, s. 164 (1), Sch. 13, para. 1. **J. M. Knowles Ltd. v. Rand,** Divl.Ct. [1962] 1 W.L.R. 893.

———Sand and ballast merchants—Contract to fill up pond—Ballast obtained from builders—Payment by builders for removal from building site—Ballast carried in merchants' " C " licence vehicle—Whether vehicle used for " delivery or collection of goods " in the course of a trade carried on by merchants—Whether used for " carriage of goods for hire or reward "—Road and Rail Traffic Act, 1933, s. 1.
Corbett & Miller v. Barham (Note), Divl.Ct. [1965] 1 W.L.R. 187.

———Sand and gravel operators—Necessity to fill in excavated pit—Rubbish obtained from builders—Payment by builders for removal of rubbish from building site—Rubbish carried in " C " licence vehicle—Whether rubbish " goods . . . used . . . in the course of a trade or business " carried on by the operators—Whether " carriage of goods for hire or reward "—Road Traffic Act, 1960, ss. 164 (5) (*a*), 168 (3).
Hammond v. Hall & Ham River Ltd., Divl.Ct. [1965] 1 W.L.R. 180.

" C " (private carrier's) licence—Payment for emptying and cleansing septic tank—Effluent carried by vehicle and dumped on nearby farm without payment—Whether effluent " goods "—Whether effluent carried for hire or reward—Whether disinfecting a " process or treatment "—Road and Rail Traffic Act, 1933, ss. 1, 2, 9.
Sweetway Sanitary Cleansers Ltd. v. Bradley, Divl.Ct. [1962] 2 Q.B. 108; [1961] 3 W.L.R. 196.

ROAD TRAFFIC—*continued.*

Licence—*continued.*

Goods vehicle

Dresses carried in saloon car—Rail secured to door pillars with screws—Dresses suspended from rails—Samples carried in connection with trade—Whether car " adapted for use . . . for the conveyance of goods "—" Adapted "—Vehicles (Excise) Act, 1949, s. 27 (1).
Taylor v. Mead, Divl.Ct. [1961] 1 W.L.R. 435.

Driver's master—Haulage contractor owner of vehicle and holder of carrier's licence—Temporary use of vehicle by driver in general employment of company—Company paying wages—Whether driver servant of haulage contractor—Liability of general employer—Road Traffic Act, 1960, s. 164.
Ready Mixed Concrete (East Midlands) Ltd. v. Yorkshire Traffic Area Licensing Authority, D.C. [1970] 2 Q.B. 397; [1970] 2 W.L.R. 627.

Haulage—Traction vehicle drawing trailer loaded with felled timber—" Constructed and used . . . for haulage solely "—Vehicles (Excise) Act, 1949, ss. 4 (2) (*f*), 5 (1) (2), 27.
T. K. Worgan & Son Ltd. v. Gloucestershire County Council, C.A. [1961] 2 Q.B. 123; [1961] 2 W.L.R. 729.

Passenger vehicle with roof rack clipped in position—Vehicle used for carriage of goods—Whether " adapted for use for the carriage of goods "—" Adapted "—" Goods or burden of any description "—Road Traffic Act, 1960, s. 191 (1), Sch. 1, paras. 1, 2.
Flower Freight Co. Ltd. v. Hammond, Divl.Ct. [1963] 1 Q.B. 275; [1962] 3 W.L.R. 1331.

Provisional licence

Holder driving unaccompanied by qualified driver—Vehicle not being a motor car—Three-wheeled vehicle with only one seat—Second seat could be fitted—Whether " constructed " to carry only one person—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 7. **Vincent v. Whitehead,** Divl.Ct. [1966] 1 W.L.R. 975.

Motor bicycle—" Sidecar "—Learner driver unaccompanied by qualified driver—Passenger carried on pillion — Flat tubular steel framework with one wheel attached to motor bicycle—Whether driver failing to comply with condition of provisional licence—Necessity for attachment to be capable of carrying — Motor Vehicles (Driving Licences) Regulations, 1963, reg. 7 (1) (*d*). **Cox v. Harrison,** D.C. [1968] 1 W.L.R. 1907.

Public service vehicle. See **Public service vehicle.**

Reversing, vehicle equipped for

Three-wheeled car with reverse gear—Gear unusable—Whether equipped with means for reversing — " Equipped with means for reversing " — Motor Vehicles (Driving Licences) Regulations, 1950, Sch. 2, Groups A, G.
Baldwin v. Worsman, Divl.Ct. [1963] 1 W.L.R. 326.

Unlawful user

Road fund licence—Expired licence issued in respect of another car exhibited on motor car—Whether a " licence "—Whether offence committed—Vehicles (Excise) Act, 1949, s. 21.
Taylor v. Emerson, Divl.Ct. (1962) 60 L.G.R. 311.

Maintenance of vehicle

Motor car

Failure to keep and maintain in good condition—Rusted sub-frame and missing bolts—Whether defects " as respects construction "—Use on road—Whether involving contravention of regulations—Road Traffic Act, 1960, ss. 64 (1) (2), 68 (1)—Motor Vehicles (Construction and Use) Regulations, 1969, reg. 76 (1) (3).
Keyte v. Dew, D.C. [1970] R.T.R. 481.

Motor lorry towing trailer

Connected by tow bar and ball and socket unit—Both parts of good construction and in good repair—Faulty coupling—Accident caused through trailer becoming disengaged from lorry—Whether a breach of obligation to maintain—" Maintenance "—Meaning—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 73 (1).
O'Neill v. Brown, Divl.Ct. [1961] 1 Q.B. 420; [1961] 2 W.L.R. 224.

" Motor vehicle "

" Intended or adapted for use on roads "

Dumper—Use on road forming part of housing estate in course of construction—Road Traffic Act, 1930, s. 1—Road and Rail Traffic Act, 1933, s. 36.
Daley v. Hargreaves, Divl.Ct. [1961] 1 W.L.R. 487.

Go-Kart—Whether intended or adapted for use on roads—" Intended "—" Adapted "—" Motor car "—Whether motor car motor vehicle—Motor Vehicles (Construction and Use) Regulations, 1955, regs. 44, 46—Road Traffic Act, 1960, s. 253 (1) (2).
Burns v. Currell, Divl.Ct. [1963] 2 Q.B. 433; [1963] 2 W.L.R. 1106.

ROAD TRAFFIC—*continued.*

"Motor vehicle"—*continued.*

"Mechanically propelled vehicle"

Car immobilised by mechanical defect—Car capable of moving under own power when defect repaired—Whether a "motor vehicle" requiring insurance—Road Traffic Act, 1960, ss. 201, 253 (1). **Law v. Thomas,** Divl.Ct. (1964) 62 L.G.R. 195.

Engine removed from motor car—By appearance ordinary car—Whether "mechanically propelled vehicle" requiring licence—Vehicles (Excise) Act, 1949, s. 15. **Newberry v. Simmonds,** Divl.Ct. [1961] 2 Q.B. 345; [1961] 2 W.L.R. 675.

Vehicle incapable of moving under own power—Car bought for scrap parked in road—Cost of spare parts and repairs out of proportion to value—No reasonable prospect of ever being made mobile again—Whether "mechanically propelled vehicle" requiring licence—Whether "motor vehicle" requiring policy of insurance—Vehicles (Excise) Act, 1949, s. 15—Road Traffic Act, 1960, ss. 201, 253 (1). **Smart v. Allan,** Divl.Ct. [1963] 1 Q.B. 291; [1962] 3 W.L.R. 1325.

Moped

Two-wheeled vehicle propelled by pedals and engine—Loss of engine power—Whether ceasing to be motor vehicle—Road Traffic Act, 1960, ss. 6 (1), 253 (1). **Reg. v. Tahsin,** C.A. [1970] R.T.R. 88.

"Motor bicycle"

Three-wheeled two seater car—Whether "motor vehicle"—Whether "motor cycle"—Whether "motor bicycle"—Learner driver unaccompanied by qualified driver—Whether offence committed—Road Traffic Act, 1960, s. 253 (4) (as amended)—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 7 (1) (2) (*e*). **Brown v. Anderson,** Divl.Ct. [1965] 1 W.L.R. 528.

Vehicle not being a motor car

Three-wheeled vehicle with one seat—Metal rods to which second seat could be attached—Whether "constructed to carry only one person"—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 7. **Vincent v. Whitehead,** Divl.Ct. [1966] 1 W.L.R. 975.

Natural justice

Traffic regulation. See NATURAL JUSTICE (**Opportunity to meet charge**: *Traffic regulation*).

Negligence

Collision

Crossroads—Pedal-cyclist turning right in front of stationary car—Motor-cyclist accelerating to pass car—Collision with pedal-cyclist—Pedal-cyclist capable of stopping instantly—Apportionment of blame. **Patel v. Edwards,** C.A. [1970] R.T.R. 425.

Driving at high speed—Collision caused by falling tree—Whether high speed amounting to negligence. **Quinn v. Scott,** Glyn-Jones J. [1965] 1 W.L.R. 1004.

Flashing headlights by bus driver—Generally recognised meaning—Car crossing in front of bus—Moped passing bus, hitting car—Injury to moped rider—Bus driver's duty of care—Car driver's duty of care—Negligence of moped rider. **Clarke v. Winchurch,** C.A. [1969] 1 W.L.R. 69.

Inadequate lighting—Vehicle 35 feet long—Dangerous manoeuvre—Driving across trunk road marking at night—No lights along vehicle's side indicating length—Whether negligence. **Jordan v. North Hampshire Plant Hire Ltd.,** C.A. [1970] R.T.R. 212.

Inference from facts—Collision in centre of cross-roads controlled by traffic lights—Presumption that lights in proper working order. **Tingle Jacobs & Co. v. Kennedy (Note),** C.A. [1964] 1 W.L.R. 638.

Passenger's duty of care—Plaintiff passenger in unlighted motor-cycle—Collision with motor car—Plaintiff aware that motor cycle unlighted—Plaintiff's duty of care for own safety—Whether guilty of contributory negligence. **Dawrant v. Nutt,** Stable J. [1961] 1 W.L.R. 253.

Road junction—Major road and minor road—Minor road driver ignoring warning signs—Existence of signs known to major road driver—Duty on major road driver. **Watkins v. Moffatt (Note),** C.A. [1970] R.T.R. 205.

————No priority—"Give-way vehicle"—Collision between motor lorry and motor cycle approaching road junction—No priority signs—Motor lorry on motor cyclist's right—Collision unavoidable—Whether lorry driver negligent. **McIntyre v. Coles,** C.A. [1966] 1 W.L.R. 831.

————Trunk road and country lane—Driver on trunk road seeing car on minor road—Whether under duty to give way if possible and avoid accident—Traffic signs on minor road adjoining trunk road—Whether necessary to be on guard against minor road driver disregarding signs—Whether major road driver negligent. **Walsh v. Redfern,** Lyell J. [1970] R.T.R. 201.

ROAD TRAFFIC—*continued.*

Negligence—*continued.*

Collision—continued.

Signal—Postman's signal to driver to pass his stationary van—Driver passing van and colliding with oncoming car—Postman negligent and solely to blame for accident—Duty of overtaking driver.
Grange Motors (Cwmbran) Ltd. v. Spencer, C.A. [1969] 1 W.L.R. 53.

Skid—Unexplained skid—Whether displacing prima facie case of negligence—Whether itself evidence of negligence. **Richley (Henderson) v. Faull (Richley Third Party),** McKenna J. [1965] 1 W.L.R. 1454.

Traffic sign—Road junction—Broken white lines—Effect of broken white lines on standard of care to be observed by road users.
Homewood v. Spiller (Hodder Third Party), C.A. (1963) 61 L.G.R. 29.

Unlit heavy vehicle standing on dark road—Presumption of negligence—Sudden fusing of lights—Lights tested by driver at start of journey and at lighting-up time—Driver's repair of fused lights in dark—Soft grass verge bordering road—Not possible to drive off verge without crane if driven on to effect repair—Roundabout with street lighting 700 yards ahead unknown to driver—Driver not provided with flashing lamp or torch —Driver's mate stationed at rear of stationary vehicle to give manual warning to oncoming drivers—Whether presumption of negligence displaced—Whether vehicle should have been driven on to verge—Whether driver should have driven ahead until reached street lighting—Whether employers negligent in failing to provide flashing lamp or torch. **Moore v. Maxwells of Emsworth Ltd.,** C.A. [1968] 1 W.L.R. 1077.

Contributory negligence

Child of eight. **Andrews v. Freeborough,** C.A. [1967] 1 Q.B. 1; [1966] 3 W.L.R. 342.

Motor car colliding with stationary lorry parked at night on wrong side of road—Apportionment of blame—Whether doctrine of last opportunity applicable—Fault and causation. **Chisman v. Electromation (Export) Ltd.,** C.A. (1969) 6 K.I.R. 456.

Motor car colliding with unlit, stationary lorry in the dark—Judge's findings of fact not challenged—No misdirection alleged—Damages awarded—Plaintiff driver found 20 per cent. to blame—Defendant's appeal against quantum of damages—Defendant's appeal against apportionment of blame. **Brown v. Thompson,** C.A. [1968] 1 W.L.R. 1003.

Damages

Insurance excess and loss of "no claims bonus"—Action by driver of borrowed car—Undertaking to recoup car owner—Whether recoverable as special damages.
Ironfield v. Eastern Gas Board, Streatfeild J. [1964] 1 W.L.R. 1125.

Fire brigade

Stationary fire engine on main road—Fire brigade attending to fire—Blue flashing lights on fire engine—Whether sufficient warning to traffic in daylight—No red warning lamp placed on road in front of fire engine—Whether omission to place red lamp negligence—Priorities of fire brigade.
Amos v. Glamorgan County Council, C.A. (1967) 66 L.G.R. 166.

Maintenance of vehicle

Latent defect in braking system—Brake failure causing collision—Corrosion of hydraulic brake pipe—Standard practice to examine pipe in situ—Part of pipe not visible unless removed—Evidence of maintenance but not of the use made of vehicle—Whether negligence established—Burden of proof.
Henderson v. Henry E. Jenkins & Sons, C.A. [1969] 2 Q.B. 188; [1969] 2 W.L.R. 147.
H.L.(E.) [1970] A.C. 282; [1969] 3 W.L.R. 732.

Parking

Bend in road—Unlit van at inside of bend—Whether potential cause of danger—Car with lights at outside of bend and opposite unlit van—Creation of hazard—Moving vehicles colliding at place of hazard—Culpability and causation—Proportions attributable.
Stevens v. Kelland, Waller J. [1970] R.T.R. 445.

Pavement

Pedestrian on pavement near kerb hit by projecting door handle of motor van—No contributory negligence on the part of pedestrian—Whether driver of motor van liable in negligence. **Watson v. Thomas S. Whitney & Co. Ltd.,** C.A. [1966] 1 W.L.R. 57.

Restricted street

Taxi cab driver fetching change—Passenger alighting with only £5 note—Driver no change —Cab left for four minutes while driver and passenger cross road to obtain change—Whether longer than necessary to enable passenger "to alight"—Meaning of "alight" —London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1963, reg. 6.
Kaye v. Hougham, Divl.Ct. (1964) 62 L.G.R. 457.

ROAD TRAFFIC—*continued.*

Negligence—*continued.*

Skid

Icy road—Bus skidding and knocking down intending passenger—Driver taking all reasonable care—Whether negligence to be inferred.
Custins v. Nottingham Corpn., C.A. [1970] R.T.R. 365.

Volenti non fit injuria

Injury to passenger in car—Negligence of driver—Whether passenger contributorily negligent in not wearing safety belt—Effect of notice in car providing that passengers rode at their own risk. **Geier v. Kujawa,** Brabin J. [1970] 1 Lloyd's Rep. 364.

Notice of intended prosecution. (*See also* **Pedestrian crossing.**)

Service of notice

Defendant in hospital to knowledge of police—Notice sent by registered post to his usual residence—Received and signed for by defendant's wife—Defendant unaware of notice until more than 14 days after commission of alleged offence—Whether statutory provisions complied with—Whether reasonableness of police conduct relevant—Road Traffic Act, 1960, s. 241. **Hosier v. Goodall,** Divl.Ct. [1962] 2 Q.B. 401; [1962] 2 W.L.R. 157.

Driver not served—No evidence whether registered owner served—Burden of proof—Road Traffic Act, 1960, s. 241 (2) (3).
Sanders v. Scott, Divl.Ct. [1961] 2 Q.B. 326; [1961] 2 W.L.R. 864.

Notice deemed to have been served—Receipt after more than 14 days—Road Traffic Act, 1960, s. 241 (2) (*c*) (as amended by Road Traffic Act, 1962, s. 51, Sch. 4).
Groome v. Driscoll, D.C. [1969] 3 All E.R. 1638; [1970] R.T.R. 105.

Notice handed to defendant's wife during defendant's absence from home—Defendant made aware of notice within 14 days of commission of alleged offence—Whether statutory provisions complied with—Whether receipt of notice by wife proper service on the defendant—Road Traffic Act, 1960, s. 241 (2) (*c*) (as amended by Road Traffic Act, 1962, Sch. 4). **Burt v. Kirkcaldy,** Divl.Ct. [1965] 1 W.L.R. 474.

Obstruction. (*See also* NUISANCE (**Highway**).)

Parking place

Whether vehicles parked on a road designated as parking place caused an unnecessary obstruction—Whether motive relevant—Public Health Act, 1925, s. 68—Motor Vehicles (Construction and Use) Regulations, 1955, regs. 89, 104.
W. R. Anderson (Motors) Ltd. v. Hargreaves, Divl.Ct. [1962] 1 Q.B. 425; [1962] 2 W.L.R. 349.

Overloading

Aiding and abetting

Vehicle permitted to be overladen by company's servant—Whether company aiding and abetting—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 68—Road Traffic Act, 1960, s. 64. **John Henshall (Quarries) Ltd. v. Harvey,** Divl.Ct. [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758.

User of vehicle

" Uses . . . or causes or permits . . . to be so used "—Vehicles hired out to defendants together with drivers—Whether defendants " used " vehicles—Heavy motor vehicle—Road Traffic Act, 1960, s. 64 (2)—Motor Vehicles (Construction and Use) Regulations, 1966. **Windle v. Dunning & Son Ltd.,** Divl.Ct. [1968] 1 W.L.R. 552.

Parking

Meter payment

Free parking on " bank holiday "—Royal proclamation declaring bank holiday for financial reasons—No proclamation of public holiday—Whether parking free—Bank Holidays Act, 1871, ss. 1, 4—Holidays Extension Act, 1875, s. 1—Parking Places (St. Marylebone and Westminster) Order, 1965, arts. 9, 12. **O'Neill v. George,** D.C. (1969) 67 L.G.R. 358.

Parking place

Unattended car park—Order by local authority providing for ticket issuing machine—Machine approved by Minister of Transport subject to placing cover over out-of-order machine—Requirement of order that driver affix ticket " in prominent and conspicuous place on and facing to front of vehicle "—Possibility of machine being out of order—Whether provision of order reasonable—Whether offence committed if machine not issuing ticket and none affixed as required by order—Road Traffic and Roads Improvement Act, 1960, s. 11 (2) (4)—Road Traffic Regulation Act, 1967, s. 31 (1) (3)—Amersham Rural District Council (Church Lane, Chalfont St. Peter) Parking Place Order, 1967. **Rawlinson v. Broadley,** D.C. (1969) 67 L.G.R. 439.

Restricted street

Goods deposited in one street—Vehicle parked in another street while goods delivered—Whether vehicle waiting to enable goods to be " unloaded "—County of Dorset (Various Roads, Swanage) (Prohibition and Restriction of Waiting) Order, 1967, arts. 2, 8.
Pratt v. Hayward, D.C. [1969] 1 W.L.R. 832.

ROAD TRAFFIC—*continued.*

Parking—*continued.*

Traffic regulation order

Publication—Signs indicating parking restrictions—No indication of date of commencement of permitted period—Whether "adequate information" as to effect of order—Whether offence under order may be prosecuted—Road Traffic Act, 1960, s. 26—Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1961, reg. 15.
James v. Cavey, Divl.Ct. [1967] 2 Q.B. 676; [1967] 2 W.L.R. 1239.

Traffic Signs Regulations

Direction to place yellow line in restricted street—Whether mandatory—Traffic Signs Regulations and General Directions, 1964, Sch. 2, dirs. 6, 26 (1)—Road Traffic Act, 1960, s. 52. **Cooper v. Hall,** Divl.Ct. [1968] 1 W.L.R. 360.

Parking (London)

Order restricting parking during prescribed hours

Order made by local authority under statutory powers—Validity—Road Traffic Act, 1960, s. 34 (1), Sch. 4, paras. 15, 16—London Government Act, 1963, s. 10 (1)—Parking Zones (Waiting and Loading Restriction) Order, 1966, art. 9 (3).
Levinson v. Powell, Divl.Ct. [1967] 1 W.L.R. 1472.

"*Parking place*"

Meter removed from parking bay—Car left in bay for 40 minutes—Use of parking bay as part of parking place suspended—Whether vehicle caused or permitted to wait in "parking place"—Parking Places (Holborn) (No. 1) Order, 1960, arts. 21, 24 (3).
Roberts v. Powell, Divl.Ct. (1966) 64 L.G.R. 173.

Payment to meter

Car parked beside meter—Motorist goes away for few minutes to obtain change—Whether car "left in a parking place"—Whether motorist guilty of offence—Road Traffic Act, 1956, s. 22 (1) (*a*)—Parking Places (Westminster) (No. 1) Order, 1959, art. 8 (1).
Strong v. Dawtry, Divl.Ct. [1961] 1 W.L.R. 841.

Car parked for five minutes in restricted street—Period no longer than necessary for motorist to go home to collect parcels—Whether "so long as . . . necessary to enable any person to board or alight"—London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1960, regs. 3, 4 (*a*).
Clifford-Turner v. Waterman, Divl.Ct. [1961] 1 W.L.R. 1499.

Yellow line—Whether direction to place mandatory—Whether permissive—Vehicle waiting in restricted street in City of London—No yellow line indicating street restricted by order or statutorily—Whether offence committed—Road Traffic Act, 1960, s. 52—Traffic Signs Regulations and General Directions, 1964, Sch. 2, dirs. 6, 26 (1)—Parking Zones (Waiting and Loading Restriction) Order, 1966, arts. 3 (1), 5 (1).
Cooper v. Hall, Divl.Ct. [1968] 1 W.L.R. 360.

Taxicab

Taxicab hired to deliver parcel—Vehicle left unattended for 15 minutes for purpose of delivering parcel—Taxicab a dual purpose vehicle for carriage of passengers and goods—No C carrier's licence—Whether a "goods vehicle"—Whether offence committed—Validity of Order—Parking Zones (Waiting and Loading Restriction) Order, 1966, arts. 3, 5. **Levinson v. Powell,** Divl.Ct. [1967] 1 W.L.R. 1472.

Passenger vehicle. (*See also* **Public service vehicle.**)

Large

Vehicle originally constructed to carry 11 passengers—No alteration to vehicle since construction—Whether "adapted to carry more than seven passengers"—"Adapted"—Road Traffic Act, 1960, s. 24, Sch. 1, para. 1.
Maddox v. Storer, Divl.Ct. [1963] 1 Q.B. 451; [1962] 2 W.L.R. 958.

Pedestrian crossing

Duty of drivers

Failure to accord precedence to pedestrian—Whether absolute offence—Latent defect in vehicle—Whether a defence—Burden of proof—"Accord . . . precedence"—Road Traffic Act, 1960, s. 46—Pedestrian Crossings Regulations, 1954, reg. 4.
Burns v. Bidder, Divl.Ct. [1967] 2 Q.B. 227; [1966] 3 W.L.R. 99.

Uncontrolled pedestrian crossing—Precedence of foot passengers—Defendant's belief in their waiver of precedence irrelevant—Pedestrian Crossings Regulations, 1954, reg. 4.
Neal v. Bedford, Divl.Ct. [1966] 1 Q.B. 505; [1965] 3 W.L.R. 1008.

Notice of intended prosecution

"Pelican" crossing—Whether service of notice necessary—Road Traffic Act, 1960, s. 241—Road Traffic Regulation Act, 1967, s. 23 (5)—"Pelican" Pedestrian Crossings Regulations and General Directions, 1969, regs. 8, 10.
Sulston v. Hammond, D.C. [1970] 1 W.L.R. 1164.

ROAD TRAFFIC—*continued.*

Pedestrian crossing—*continued.*

Obstruction

Uncontrolled zebra crossing—Metal studs marking approach—Road junction—Pedestrian crossing continuation of footpath over junction—Studs in carriageway at right angles to crossing—Car parked within studs—Whether studs placed in accordance with regulations—Whether local authority a duty to provide studs—Whether offence committed—Pedestrian Crossings Regulations, 1954, reg. 6, Sch. 1, Pt. II, para. 8.
Power v. Davidson, Divl.Ct. (1964) 62 L.G.R. 320.

Pedestrian's negligence

Uncontrolled pedestrian crossing—Pedestrian stepping on to crossing without looking to right—Driver's failure to accord precedence to foot-passenger—Whether breach of statutory duty—Accident—Apportionment of blame—Pedestrian Crossings Regulations, 1954, reg. 4. **Maynard v. Rogers,** Mocatta J. [1970] R.T.R. 392.

Petroleum

"Premises in which . . . kept"

Petroleum spirit conveyed by road in petrol tanker—Tanker standing in forecourt off highway for four hours—Fuel tanks of cars replenished with petroleum-spirit sold direct from tanker—Whether petroleum-spirit "kept" by owner of forecourt—Whether tanker "premises"—Whether "conveyance . . . by road" ceasing while tanker standing on forecourt—"Conveyance"—Petroleum (Consolidation) Act, 1928, ss. 1 (1) (2), 6 (1) (*d*)—Petroleum-spirit (Conveyance by Road) Regulations, 1957, reg. 9.
Grandi v. Milburn, Divl.Ct. [1966] 2 Q.B. 263; [1966] 3 W.L.R. 90.

Petrol-filling station. *See* METROPOLIS.

Police

Powers

"Due execution of duty"—Whether a duty to detain property without charge or arrest—Signal to stop stationary car—Removal of car involving assault on police—Whether assault on police in due execution of duty—Offences against the Person Act, 1861, s. 38—Road Traffic Act, 1960, s. 223.
Reg. v. Waterfield, C.C.A. [1964] 1 Q.B. 164; [1963] 3 W.L.R. 946.

Public service vehicle

Carrying capacity

Volkswagen mini-bus—Seating capacity in the rear portion for six passengers, with bench type front seat four feet six inches wide—Hand brake and gear levers in central position of driver's compartment—Whether "adapted" for carrying eight or more passengers in addition to the driver—Road Traffic Act, 1960, s. 117 (1) (*b*).
Wurzal v. Addison, Divl.Ct. [1965] 2 Q.B. 131; [1965] 2 W.L.R. 131.

Contract for conveyance

Free pass to pensioner—Condition excluding liability for injury—Whether contract void—Road Traffic Act, 1960, s. 151.
Gore v. Van Der Lann, C.A. [1967] 2 Q.B. 31; [1967] 2 W.L.R. 358.

Fare

Arrangement with company to transport employees for fixed sum—Employees paying sums of over 1s. to company in consideration of transport—Whether "separate fares"—Mens rea—Owner of vehicle unaware of payments by employees—Knowledge of other circumstances—Whether a duty to inquire—Whether owner caused vehicle to be used without road service licence—"Causes [a vehicle] to be used"—Road Traffic Act, 1960, ss. 117, 118 (3) (*b*), 134. **Wurzal v. Wilson,** Divl.Ct. [1965] 1 W.L.R. 285.

Factory workers conveyed to housing estate—Whole "fare" paid by one passenger—Contributions received from other passengers—Whether passengers carried at separate fares—Road Traffic Act, 1960. ss. 117 (1) (*a*), 118 (3) (*b*), 127, 144.
Wurzal v. Addison, Divl.Ct. [1965] 2 Q.B. 131; [1965] 2 W.L.R. 131.

Licence

Breach of condition—Licence authorised specific route—Deviation by driver without owners' knowledge—"Wilfully or negligently fails to comply with . . . conditions"—Whether single offence—Whether owners liable for driver's act—Road Traffic Act, 1960, s. 134 (3).
G. Newton Ltd. v. Smith, Divl.Ct. [1962] 2 Q.B. 278; [1962] 2 W.L.R. 926.

Not effective "until . . . the time for appeal . . . has expired"—Whether effective before determination of appeal.
Warwickshire County Council v. British Railways Board, C.A. [1969] 1 W.L.R. 1117.

Unlawful user without licence—Vehicle used for carriage of schoolchildren on contract carriage—Vehicle driven by owner—Whether owner "causes or permits . . . vehicle to be used on road"—Road Traffic Act, 1960, s. 127 (1) (5).
Baker v. Chapman, Divl.Ct. (1963) 61 L.G.R. 527.

ROAD TRAFFIC—*continued.*

Public service vehicle—*continued.*

Obstruction

Bus parked in narrow, busy road for two to four minutes—Driver went off duty before arrival of relief driver—Traffic hold-up caused—Whether driver in charge of bus after duty ended—Whether driver "caused" bus to remain stationary on road—Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations, 1936, reg. 7—Motor Vehicles (Construction and Use) Regulations, 1955, regs. 89, 104.
Ellis v. Smith, Divl.Ct. [1962] 1 W.L.R. 1486.

Repair of motor vehicle

Wheel

Van wheel falling off 2,700 miles after service by defendants—Whether caused by defendants' negligence—Onus of proof—Plaintiff suffering from coronary thrombosis six days after accident—Whether causal connection between thrombosis and accident.
Jason v. Batten (1930) Ltd., Fisher J. [1969] 1 Lloyd's Rep. 281.

"Road"

Meaning

Driving without due care and attention—Road linking main highway and private property—No physical obstruction to members of public—No prohibition—Whether a "road to which the public has access"—Road Traffic Act, 1960, s. 3.
Chapman v. Parlby, Divl.Ct. (1963) 62 L.G.R. 150.

Overseas road—Road Traffic Act, 1960, ss. 3 (1), 257 (1).
Cox v. Army Council, H.L.(E.) [1963] A.C. 48; [1962] 2 W.L.R. 950.

School crossing

Patrol

Prescribed sign—Vehicle passing crossing—Sign not held full face to oncoming traffic—Whether patrol power to "require . . . vehicle to stop"—"Exhibiting"—Road Traffic Act, 1960, s. 48 (1). **Hoy v. Smith,** Divl.Ct. [1964] 1 W.L.R. 1377.

Special type of vehicle

"Abnormal indivisible load"

Articulated vehicle—Load consisting of several separate entities—"Undue expense or risk of damage"—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 71.
Siddle C. Cook Ltd. v. Arlidge, Divl.Ct. [1962] 1 W.L.R. 203.

Load consisting of two separate entities—Whether "undue expense and risk of damage" if load divided—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 71—Motor Vehicles (Authorisation of Special Types) General Order, 1955, arts. 13, 14.
Sunter Brothers Ltd. v. Arlidge, Divl.Ct. [1962] 1 W.L.R. 199.

Notice of intention to use vehicle on road—No notice given on previous occasions—Defendants' belief that authority had dispensed with notice—Whether power so to do—Motor Vehicles (Authorisation of Special Types) General Order, 1969, regs. 20, 28 (2).
George Cohen 600 Group Ltd. v. Hird, D.C. [1970] 1 W.L.R. 1226.

Articulated vehicle

Four-wheeled trailer carrying elevator and hopper—Equipment dismantled from machinery carried on floor of vehicle—Whether equipment carried "for or in connection with the carriage of an abnormal indivisible load"—Whether an "abnormal indivisible load"—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 71 (*b*)—Motor Vehicles (Authorisation of Special Types) General Order, 1962, art. 18 (*a*).
Crabtree v. McKelvie & Co. (B.M. & P.) Ltd., Divl.Ct. (1964) 62 L.G.R. 192.

Length of 35 feet—Reflectors along vehicle's side—Insufficiency—Whether regulations needed requiring obligatory lighting—Road Vehicles Lighting Regulations, 1964, regs. 28, 29. **Jordan v. North Hampshire Plant Hire Ltd.,** C.A. [1970] R.T.R. 212.

"Overall length"—Car transporter—Vehicle within permitted length with extension in vertical position—With extension in use permitted overall length exceeded—Whether offence for vehicle to be on road with extension in use—Road Traffic Act, 1960, s. 64 (2)—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 6.
Bason v. Vipond, Divl.Ct. [1962] 1 W.L.R. 271.

Dangerous condition

Use for unsuitable purpose—Articulated vehicle of timber-carrying type—Load of timber stacked so as to cause vehicle to overturn—Whether vehicle used for "purpose for which it is . . . unsuitable"—Whether unsuitable manner of loading unsuitable purpose—Motor Vehicles (Construction and Use) Regulations, 1966, reg. 75 (3).
Hollis Brothers Ltd. v. Bailey, Divl.Ct. [1968] 1 W.L.R. 663.

Heavy motor car

"Overhang"—Furniture van—Tailboard reconstructed to increase carrying capacity of van—Vehicle within permitted overhang with tailboard in vertical position—Permitted overhang exceeded when tailboard down—Whether offence committed—Motor Vehicles (Construction and Use) Regulations, 1963, regs. 3 (1), 41 (as amended by Motor Vehicles (Construction and Use) (Amendment) (No. 2) Regulations, 1964).
Guest Scottish Carriers Ltd. v. Trend, Divl.Ct. [1967] 1 W.L.R. 1371.

ROAD TRAFFIC—*continued.*

Special type of vehicle—*continued.*

Indivisible load of exceptional length

Whether load of exceptional length if it would project over rear of vehicle of normal length within the permitted overhang—Whether vehicle "normally used" for carrying load of exceptional length—Motor Vehicles (Construction and Use) Regulations, 1963, reg. 7, as amended. **Peak Trailer & Chassis Ltd. v. Jackson,** Divl.Ct. [1967] 1 W.L.R. 155.

Motor tractor

Definition—"Mechanically propelled vehicle . . . not constructed itself to carry a load"—Meaning of—Motor chassis—Whether a "motor tractor"—Whether casus omissus in Act—Road Traffic Act, 1960, s. 253 (1) (6).
Millard v. Turvey, Divl.Ct. [1968] 2 Q.B. 390; [1968] 2 W.L.R. 1192.

Overall length

Cattle transporter — Container attached to motor vehicle by bolts — Vehicle within permitted length when container removed—Permitted length exceeded when container in position—Whether offence to use vehicle on road with container in position—Road Traffic Act, 1960, s. 64 (2)—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 6 (3). **Hughes & Co. (Carlisle) Ltd. v. Hyde,** Divl.Ct. [1963] 2 Q.B. 757; [1963] 2 W.L.R. 381.

——————Motor lorry converted to cattle transporter by addition of container—Container bolted to platform of lorry—Permitted overall length exceeded when container in position—Direction indicators and registration plate not fitted to container—Whether vehicle of excessive length—Road Traffic Act, 1960, s. 64 (2)—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 6 (3) (as amended by Motor Vehicles (Construction and Use) (Amendment) Regulations, 1961).
John Stamper Farms Ltd. v. Hyde, Divl.Ct. (1963) 62 L.G.R. 55.

Unpermitted

Nature of offence—Trailers drawn by locomotive—Load exceeding 40 tons—Failure to provide proper number of attendants—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 66—Motor Vehicles (Authorisation of Special Types) General Order, 1955, arts. 14, 18—Road Traffic Act, 1960, ss. 64 (1) (2) (4), 239.
Siddle C. Cook Ltd. v. Holden, Divl.Ct. [1963] 1 Q.B. 248; [1962] 3 W.L.R. 1448.

Speed limit

Driving in excess of 40 m.p.h.

Form of information—London Traffic (40 m.p.h. Speed Limit) No. 2 Regulations, 1957, reg. 2. **Cross v. Oliver,** Divl.Ct. (1964) 62 L.G.R. 501.

Police

Policeman on way to give evidence in magistrates' court—Breakdown of police vehicle—Substitute vehicle provided — Police constable unlikely to arrive punctually if speed limit observed — Whether vehicle being "used for . . . police purposes" — Whether observance of restriction "likely to hinder the use of the vehicle"—Road Traffic Act, 1960, s. 25. **Aitken v. Yarwood,** Divl.Ct. [1965] 1 Q.B. 327; [1964] 3 W.L.R. 64.

Restricted road

Classified road—Promenade lighting—Whether "street lighting"—Whether certificate of highway authority evidence of street lighting—Road Traffic Regulation Act, 1967, ss. 71 (1), 72 (1) (2) (4). **Roberts v. Croxford,** D.C. (1969) 67 L.G.R. 408.

"Takes and drives away" without the owner's consent

Employer's vehicle

Using employer's vehicle for own purposes outside working hours—Failure to return vehicle to employer's yard—Whether "taking"—Road Traffic Act, 1960, s. 217.
Reg. v. Wibberley, C.C.A. [1966] 2 Q.B. 214; [1966] 2 W.L.R. 1.

Meaning

Stationary lorry unattended on top of hill—Defendant released handbrake and set lorry in motion—No one in control of vehicle—Whether taking and driving away without owner's consent—"Drives"—Road Traffic Act, 1960, s. 217 (1).
Reg. v. Roberts, C.C.A. [1965] 1 Q.B. 85; [1964] 3 W.L.R. 180.

Stolen vehicle

Passenger—Whether carried in vehicle knowing it to have been taken and driven away—Whether knowledge that vehicle stolen a defence—Road Traffic Act, 1960, s. 217 (1).
Tolley v. Giddings, Divl.Ct. [1964] 2 Q.B. 354; [1964] 2 W.L.R. 471.

Taking vehicle without authority

Owner's consent

Consent induced by false representations—Whether consent thereby vitiated—Theft Act, 1968, s. 12 (1). **Reg. v. Peart,** C.A. [1970] 2 Q.B. 672; [1970] 3 W.L.R. 63.

Consent to use of vehicle for limited purpose—Failure by defendant to return—Use thereafter by defendant without reasonable belief that owner would consent—Theft Act, 1968, s. 12. **Reg. v. Phipps,** C.A. (1970) 54 Cr.App.R. 300; [1970] R.T.R. 209.

ROAD TRAFFIC—*continued.*

Tests

Authorised examiner

Duty towards vehicle owner—Whether contractual—Whether limited to certifying condition of vehicle at time of examination — Road Traffic Act, 1960, ss. 65, 66 — Motor Vehicles (Construction and Use) Regulations, 1955, reg. 76 — Motor Vehicles (Tests) Regulations, 1960, regs. 4, 9, 10 (3), 13, Schs. 2, 3, Pts. 1, 3.
Rowley v. Chatham, Shaw J. [1970] R.T.R. 462.

Examiner authorised by Minister of Transport to conduct tests on vehicles—Withdrawal of authorisation—Discretion of Minister—Motor Vehicles (Tests) Regulations, 1969, reg. 26 (3), Sch. 3, para. 2. **Reg. v. Minister of Transport,** *Ex parte* **Males,** D.C. [1970] 3 All E.R. 434; [1970] R.T.R. 436.

Vehicle test certificate

Date of issue false—Whether falsity in material particular—Road Traffic Act, 1960, ss. 65, 66, 236—Motor Vehicles (Tests) Regulations, 1960, Sch. 4, Pt. 1.
Murphy v. Griffiths, Divl.Ct. [1967] 1 W.L.R. 333.

Falsity in material particular—Whether certificate speaks from date of examination or date of issue—Road Traffic Act, 1960, ss. 65, 236—Motor Vehicles (Tests) Regulations, 1960, regs. 9 (1), 14 (1). **Reg. v. Evans (Stanley),** C.C.A. [1964] 1 W.L.R. 1388.

Purpose of regulations—Whether public protection and defence against dangerous old vehicles—Whether certificate limited to condition of vehicle at time of examination—Road Traffic Act, 1960, ss. 65, 66—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 79—Motor Vehicles (Test) Regulations, 1960, regs. 4, 9, 10 (3), 13, Sch. 3, Pts. 1, 3. **Rowley v. Chatham,** Shaw J. [1970] R.T.R. 462.

Third party insurance. (*See also* INSURANCE.)

Driving uninsured

Insurer admittedly on risk—Cover note issued after expiration of policy—New insurance company engaged—Whether extended cover note sufficient cover—Whether extended cover note arising by offer and acceptance—Whether any acceptance—Whether offence committed—Road Traffic Act, 1960, s. 201.
Taylor v. Allon, Divl.Ct. [1966] 1 Q.B. 304; [1965] 2 W.L.R. 598.

No policy in force—Using vehicle on road—Ownership of vehicle—Whether essential to offence—Road Traffic Act, 1960, s. 201 (1). **Napthen v. Place,** D.C. [1970] R.T.R. 248.

" Hire or reward "

Passenger carried on three occasions in private car for 10s. and a drink—Whether private car " vehicle in which passengers are carried for hire or reward "—Whether obligation to insure—Road Traffic Act, 1960, s. 203 (4) (*a*), proviso.
Connell v. Motor Insurers' Bureau, Paull J. [1968] 2 Lloyd's Rep. 141.
C.A. [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231.

Passengers carried by fellow worker for reward in money or kind—Driver liable for death of passenger—Judgment against driver unsatisfied—Whether passenger carried " for hire or reward "—Whether required to be insured—Liability of Motor Insurers' Bureau —Road Traffic Act, 1960, s. 203 (4).
Albert v. Motor Insurers' Bureau, C.A. [1970] 1 Lloyd's Rep. 506; [1970] R.T.R. 315.

Workman carried to factory on fellow-workman's motor cycle—Evidence of some arrangement for payment—No intention to enter into legally binding contract—Whether a passenger " carried for hire or reward "—Whether obligation to insure—Road Traffic Act, 1930, s. 36 (1) (*b*) (ii).
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

Motor-cycle

Policy indemnifying while driving motor-cycle specifically described in schedule and any other motor-cycle " as though . . . described in the schedule "—Efficient condition of motor cycle a condition precedent to liability of insurers—Whether independent indemnities—Sale of specifically described motor cycle—Whether policy lapsed—Road Traffic Act, 1960, s. 201 (1) (2). **Boss v. Kingston,** Divl.Ct. [1963] 1 W.L.R. 99.

Motor Insurers' Bureau

Agreement with Minister—Action on agreement by third party—Not necessary for court to object on ground of no privity.
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

————————————Whether bureau liable where third party injured by criminal use of vehicle on a road—Agreement covering " any liability required to be covered under Road Traffic Acts."
Hardy v. Motor Insurers' Bureau, C.A. [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433.

——————Passenger being carried for agreed payment in car not insured against passenger risk—Whether obligation on owners of private car to insure—Liability of bureau—Road Traffic Act, 1969, s. 203 (4) (*a*), proviso.
Connell v. Motor Insurers' Bureau, C.A. [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231.

ROAD TRAFFIC—*continued.*

Third party insurance—*continued.*

Motor Insurers' Bureau—continued.

Death of passenger—Driver found liable—Judgment against driver unsatisfied—Whether passenger carried "for hire or reward"—Whether required to be insured—Liability of bureau—Road Traffic Act, 1960, s. 203 (4).
Albert v. Motor Insurers' Bureau, Willis J. [1969] 2 Lloyd's Rep. 243.

"Injury . . . caused by . . . use of . . . vehicle on a road"—Vehicle driven from private land—Plaintiff on private land struck by lorry, pulled forward and run over by rear wheel when greater part of lorry on road—Whether incident divisible—Whether time of incident determining factor—Whether lorry using road—Road Traffic Act, 1960, ss. 203 (3) (*a*), 257. **Randall v. Motor Insurers' Bureau,** Megaw J. [1968] 1 W.L.R. 1900.

Injury to passenger—Driver found liable—Driver paid by employers to transport fellow-employee in his own car—Whether driver uninsured—Whether passenger carried for "hire or reward" and required to be covered by insurance—Road Traffic Act, 1930, s. 36. **McGoona v. Motor Insurers' Bureau,** Lawton J. [1969] 2 Lloyd's Rep. 34.

Joinder as party to proceedings—Action by insurance company for declaration that entitled to avoid policy—Third party injured by assured—Application by bureau to be added as defendant—Bureau's agreement with Minister to satisfy unsatisfied judgment debts—Whether jurisdiction to add bureau as defendant—Road Traffic Act, 1960, s. 207 (3)—R.S.C., Ord. 15, r. 6 (2) (*b*). **Fire Auto and Marine Insurance Co. Ltd. v. Greene,** John Stephenson J. [1964] 2 Q.B. 687; [1964] 3 W.L.R. 319.

——————Action by third party against assured motor cyclist—Motor cyclist's whereabouts and name of insurers unknown—Application by bureau to be added as defendants—Bureau's agreement with Minister to satisfy unsatisfied judgment debts—Whether jurisdiction to add bureau as defendants—Road Traffic Act, 1960, s. 207 (3)—R.S.C. (Rev. 1965), Ord. 15, r. 6.
Gurtner v. Circuit, C.A. [1968] 2 Q.B. 587; [1968] 2 W.L.R. 668.

Passengers carried in vehicle "by reason . . . of . . . a contract of employment"—Employers providing car for workmen going to and from work—No obligation on employee to travel in car—Employee injured on public road when passenger in car driven negligently by fellow employee—Whether accident "in the course of his employment"—Whether road traffic risk requiring compulsory insurance—Liability on Motor Insurers' Bureau—Road Traffic Act, 1960, s. 203 (4) (*b*) proviso.
Vandyke v. Fender (Sun Insurance Office Ltd. Third Party), C.A. [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929.

"Permission" to drive vehicle

Motor car—Owner a non-driver—Car driven by son—Provision in policy for cover—"Any person driving the insured car . . . with the permission of the insured"—Death of father—Subsequent accident while car being driven by son—Whether within policy.
Kelly v. Cornhill Insurance Co. Ltd., H.L.(Sc.) [1964] 1 W.L.R. 158.

Third party's statutory right against insurer

Repeal of statute before decree obtained against assured—Whether "right . . . acquired"—Ceylon. **Free Lanka Insurance Co. Ltd. v. Ranasinghe,** P.C. [1964] A.C. 541; [1964] 2 W.L.R. 66.

"Use . . . a motor vehicle on a road"

Criminal use—Whether required to be covered—Person injured by criminal act of user of vehicle on a road—Contract of insurance not enforceable by guilty assured—Contract enforceable by injured person—Unsatisfied judgment obtained against guilty driver—Whether Motor Insurers' Bureau liable to injured person under agreement with Minister of Transport—Road Traffic Act, 1960, ss. 201, 203 (3) (*a*), 205, 207.
Hardy v. Motor Insurers' Bureau, C.A. [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433.

Passenger—Negligent opening of door by—Injury to pedestrian—Passenger's third party liability not covered by owner's insurance policy—Whether "use" of motor vehicle by passenger—Whether breach of statutory duty by owner—Road Traffic Act, 1930, ss. 35 (1), 36 (1) (*b*).
Brown v. Roberts, Megaw J. [1965] 1 Q.B. 1; [1963] 3 W.L.R. 75.

"Use by . . . policyholder in person in connection with his business"

Building worker paid by employers to transport fellow-employee in his car—Whether driver uninsured—Claim by injured passenger—Notice of claim given to insurers—Whether notice of "proceedings" within Road Traffic Act, 1960, s. 207 (2) (*a*).
McGoona v. Motor Insurers' Bureau, Lawton J. [1969] 2 Lloyd's Rep. 34.

Traffic sign. (*See also* Negligence.)

Contravention of

Requirement that no vehicle shall stop on road between ends of marking—Civil liability—Car parked in contravention of regulation—Causative effect on accident—No common law negligence—Whether civil liability for breach of statutory duty—Traffic Signs Regulations and General Directions, 1964, reg. 23 (2) (*a*).
Kelly v. W.R.N. Contracting Ltd., Ashworth J. [1968] 1 W.L.R. 921.

ROAD TRAFFIC—*continued.*

Traffic sign—*continued.*

Light signals

Contravention of—Fire brigade order—Whether order lawful—London Fire Brigade Order, No. 144/8. **Buckoke v. Greater London Council,** Plowman J. [1970] 1 W.L.R. 1092.

Stop line in carriageway provided in conjunction with signals—Signals at green and line passed by part of vehicle stopping—Vehicle proceeding after signals changing to red—Whether contravention of "prohibition that vehicular traffic shall not proceed beyond the stop line"—Road Traffic Act, 1960, s. 14—Traffic Signs Regulations, 1964, reg. 4 (1) (*a*). **Ryan v. Smith,** Divl.Ct. [1967] 2 Q.B. 893; [1967] 2 W.L.R. 390.

Portable light sign

Driver charged with failing to comply with indication—Whether sign lawfully maintained in position—Road Traffic Act, 1960, ss. 14, 51, 54—Traffic Signs Regulations and General Directions, 1957, regs. 29, 40. **Woodriffe v. Plowman,** Divl.Ct. (1962) 60 L.G.R. 183.

Restricted road

Speed limit—Street lighting furnished by lamps more than 200 yards apart—No prescribed signs—Driver exceeding speed limit—Whether offence committed—Road Traffic Act, 1960, ss. 19 (1), 22 (1), (3) (as amended by Road Traffic Act, 1962, s. 12)—Traffic Signs (Speed Limits) Regulations and General Directions, 1962, dirs. 7, 8.
Mackereth v. Madge, Divl.Ct. (1967) 66 L.G.R. 69.

Road marking

Continuous white line—"Crossing or straddling"—Whether possible if driver not previously on nearside—Driver on wrong side of line in overtaking accelerating vehicle—Defence of accident—Whether applicable—Road Traffic Act, 1960, s. 14 (1)—Traffic Signs Regulations and General Directions, 1964, reg. 23 (2) (4).
Reg. v. Blything (Suffolk) Justices, *Ex parte* **Knight,** D.C. [1970] R.T.R. 218.

Obliteration—Highway authority obliterating double white line marking for Ministry of Transport—Known danger of longitudinal ridges—Motor cyclist injured—Ministry's failure to appreciate and guard against potential danger—Whether negligence.
Bright v. Ministry of Transport, Chapman J. (1970) 68 L.G.R. 716; [1970] R.T.R. 401.

Trunk road

Erection of large concrete sign by Ministry of Transport under statutory powers—Sited too near verge at bend in road—Danger to motorists—Alternative site available—Duty of Ministry to choose less hazardous site—Road Traffic Act, 1960, s. 52.
Levine v. Morris, C.A. [1970] 1 W.L.R. 71.

Trailer

"Land implement"

Whether required to have springs, brakes and wings when drawn by lorry—Motor Vehicles (Construction and Use) Regulations, 1955, regs. 3, 9, 55, 58—Road Traffic Act, 1960, s. 64.
Amalgamated Roadstone Corpn. Ltd. v. Bond, Divl.Ct. [1963] 1 W.L.R. 618.

Transport Tribunal

Appeal from

Jurisdiction of Court of Appeal—Jurisdiction of Transport Tribunal—Railway and Canal Traffic Act, 1888, s. 17. **Merchandise Transport Ltd. v. British Transport Commission. Arnold Transport (Rochester) Ltd. v. British Transport Commission,**
C.A. [1961] 2 Q.B. 173; [1961] 3 W.L.R. 1358.

Tyres

Defects

Use of motor vehicle with differently defective tyres on different wheels—Prosecution—Whether separate information ncessary for each wheel—Road Traffic Act, 1960, s. 64—Motor Vehicles (Construction and Use) Regulations, 1969, reg. 83 (1) (4).
Saines v. Woodhouse, D.C. [1970] 1 W.L.R. 961.

ROMAN-DUTCH LAW. (*See also* CEYLON.)

British colony

Applicability

Whether applicable in determining nature of sovereignty—Southern Rhodesia.
Madzimbamuto v Lardner-Burke, P.C. [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229.

Crime

Socius criminis

Common law liability—Position no different where offence statutory—Law and Order (Maintenance) Act, 1960, s. 33A (1) (*a*) (*c*) (as amended) (Southern Rhodesia).
Mapolisa v. The Queen, P.C. [1965] A.C. 840; [1965] 2 W.L.R. 199.

Mens rea—Handing a man a bottle of paraffin—Capital crime.
Runyowa v. The Queen, P.C. [1967] 1 A.C. 26; [1966] 2 W.L.R. 877.

ROMAN-DUTCH LAW—*continued.*

Fidei-commissum

Implication

Will—Bequest to children of testator—Clause or condition " si sine liberis decesserit "—Whether tacit fidei-commissum in favour of child's children implied from presence per se of clause or condition—Testator's intention—Ascertainment from dispositions and circumstances—Whether clear establishment of intention necessary—Doubt—Presumption—Whether against implication of fidei-commissum.
Peiris v. Appu, P.C. [1968] A.C. 869; [1968] 2 W.L.R. 1367.

Retraction or naesting

Extent of right

Ceylon. **Mangaleswari v. Selvadurai,** P.C. [1961] A.C. 605; [1961] 2 W.L.R. 813.

RULE AGAINST PERPETUITIES. *See* PERPETUITY RULE.

RYLANDS v. FLETCHER

Fire

Escape to adjoining premises

Cause of fire unknown—Whether principle applicable—Whether similar principle applicable. **Mason v. Levy Auto Parts of England Ltd.,** MacKenna J. [1967] 2 Q.B. 530; [1967] 2 W.L.R. 1384.

Metal foil

Escape from factory to electricity sub-station serving other factories

Flash-over causing power failure—Materials in plaintiffs' factory damaged and production lost—Whether storage of metal foil on factory site a natural use of land.
British Celanese Ltd. v. A. H. Hunt (Capacitors) Ltd., Lawton J. [1969] 1 W.L.R. 959.

Smuts

Emission of noxious acid smuts from chimney

Damage to paintwork of motor car standing in public highway—Liability.
Halsey v. Esso Petroleum Co. Ltd., Veale J. [1961] 1 W.L.R. 683.

Statutory undertaker

Applicability of rule

Gas board acting under statutory duty—Escape of gas from gas main into sewers causing explosion in highway—Break in gas main caused by burst water main belonging to corporation—Whether gas board liable—Whether corporation liable.
Dunne v. North Western Gas Board, C.A. [1964] 2 Q.B. 806; [1964] 2 W.L.R. 164.

Foreseeable damage—Factory premises adjoining canal operated by water-board—Damage caused by barges hitting and being moored to canal wall due to congestion of traffic in canal—Escape of water from damaged wall into factory premises—Whether canal authority liable in negligence and/or nuisance—Applicability of rule in *Rylands* v. *Fletcher*—Lee Navigation Act, 1767, s. 3—Transport Act, 1962, s. 10—General Rules and By-laws for the Regulation of the River Lee, by-laws 11, 13.
Boxes Ltd. v. British Waterways Board, Eveleigh J. [1970] 2 Lloyd's Rep. 434.

Virus

Foot and mouth disease

Closure of market—Liability of occupier of land to auctioneer for loss of business.
Weller & Co. v. Foot and Mouth Disease Research Institute, Widgery J. [1966] 1 Q.B. 569; [1965] 3 W.L.R. 1082.

SAFE MEANS OF ACCESS. *See* BUILDING; DOCK; FACTORY.

SAFE SYSTEM OF WORK. *See* NEGLIGENCE.

SAINT LUCIA

Compulsory acquisition of land

" Public purpose "

Declaration that land should be acquired for " public purpose "—" Development of tourism "—Validity of declaration—Sufficiency of declaration—Land Acquisition Ordinance (Laws of St. Lucia, 1957 Rev., c. 109), s. 3 (1).
Williams v. Government of Saint Lucia, P.C. [1970] A.C. 935; [1970] 2 W.L.R. 326.

SALE OF GOODS. (*See also* CONTRACT.)

Acceptance of goods

" Severable " contract

C.I.F.—Shipped in one vessel—Two sets of documents—Rejection of goods under one set—Sale of Goods Act, 1893, s. 11 (1) (*c*).
Rosenthal & Sons Ltd. v. Esmail, H.L.(E.) [1965] 1 W.L.R. 1117.

Agency. *See* AGENCY.

SALE OF GOODS—*continued.*

Auction. *See* AGENCY.

Breach of contract

Repudiation

C. & f. contract—Breach by buyers—Buyers' agents contending buyers not party to contract—Financial arrangements not in accordance with contract—Buyers' delay in providing letter of credit—Refusal by buyers to extend shipping period—Whether sellers entitled to treat contract as repudiated by buyers.
Wahbe Tamari & Sons Ltd. v. " Colprogeca "—Sociedade Geral de Fibras, Cafes e Produtos Coloniais Lda., Megaw J. [1969] 2 Lloyd's Rep. 18.

C.i.f. (*See also* **Implied term** (*Fitness*).)

Appropriation

Vessel " expected to load 3rd/5th January, 1968, or substitute "—Vessel substituted—Shipping documents rejected by buyers—Whether appropriation was in accordance with contract terms—Whether sellers had option to substitute—Implied terms—Meaning of " or substitute " and " available "—Sale of Goods Act, 1893, s. 29 (2).
Thomas Borthwick (Glasgow) Ltd. v. Bunge & Co., Browne J. [1969] 1 Lloyd's Rep. 17.

Discharging port demurrage

Whether buyers or sellers liable—Delay at discharging port due to congestion—Customs of port—L.C.T.A. Contract Form No. 41.
Tradex International S.A. v. R. Pagnan & Fratelli, Donaldson J. [1968] 1 Lloyd's Rep. 244.

Force majeure

Shipment delayed by strike—Effect of force majeure clause—Whether sellers entitled to benefit of extension—Impossibility of performance by alternative means not proved—Cattle Food Trade Association (Inc.) contract form no. 6.
European Grain & Shipping Ltd. v. J. H. Rayner & Co. Ltd., Mocatta J. [1970] 2 Lloyd's Rep. 239.

Frustration. *See* CONTRACT.

Implied statutory warranty

Toxic gound-nut extractions sold for resale and manufacture into compound food for poultry—Circumstances in which implied statutory warranty as to suitability applies to c.i.f. contracts—Fertilisers and Feeding Stuffs Act, 1926, s. 2 (2).
Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Association, C.A. [1966] 1 W.L.R. 287.
H.L.(E.) [1969] 2 A.C. 31; [1968] 3 W.L.R. 110.

Rejection

Late shipment—False date on bill of lading—Correct date on certificate of quality accompanying bill of lading—Buyers accepting shipping documents—Issue of late shipment raised considerable period later—Whether buyers had waived right to raise.
Panchaud Frères S.A. v. Etablissements General Grain Co., Roskill J. [1969] 2 Lloyd's Rep. 109.
C.A. [1970] 1 Lloyd's Rep. 53.

————Shipment to be in February on Conference vessel nominated for February—Effect of bill of lading dated March as no Conference vessel was nominated to load in February—Alleged force majeure—C.F.T.A. Contract Form No. 6.
Thomas Borthwick (Glasgow) Ltd. v. Faure, Fairclough Ltd., Donaldson J. [1968] 1 Lloyd's Rep. 16.

Waiver—Admitted breach of contract by sellers—Rejection of goods by buyers—Purchase by buyers of goods previously rejected by them—Whether buyers waived right to damages or agreed to accept goods on arrival—Whether buyers entitled to reject goods on account of their condition on arrival—Assessment of damages—London Corn Trade Association Ltd. Contract Form No. 32 (Rye Terms).
R. Pagnan & Fratelli v. Corbisa Industrial Agropacuaria Ltda., Roskill J. [1969] 2 Lloyd's Rep. 129.

Route

" Usual and customary "—Customary route blocked—Availability of alternative route—Whether alternative route must be used.
Tsakiroglou & Co. Ltd. v. Noblee Thorl G.m.b.H., H.L.(E.) [1962] A.C. 93; [1961] 2 W.L.R. 633.

When property passes

Implied statutory warranty—Whether applicable.
C. E. B. Draper & Son Ltd. v. Edward Turner & Son, C.A. [1965] 1 Q.B. 424; [1964] 3 W.L.R. 783.

Sale in quantity of kerosene to Greek Ministry—Shipment in one vessel of part—Whether in nature of contract c.i.f.—Whether property or risk passed to buyers.
Gardano and Giampieri v. Greek Petroleum George Mamidakis & Co., McNair J. [1962] 1 W.L.R. 40.

SALE OF GOODS—*continued.*

Damages. *See* DAMAGES.

Description

Fitness for purpose

Merchantable quality—Mink food mixed by compounders for customers to agreed formula—Food toxic to mink—Whether due to inclusion of Norwegian herring meal—Liability of compounders to customers—Whether goods corresponded with contract description—Whether customer relied on skill or judgment of compounders—Liability of Norwegian sellers to compounders—Applicability of defects clause—Whether "quality" in description clause excluded an ingredient which could not be detected at time of delivery—Remoteness of damage—Meaning of "Guaranteed for consumption in U.K."—"Description"—"Particular purpose"—Sale of Goods Act, 1893, ss. 13, 14 (1) (2).
Christopher Hill Ltd. v. Ashington Piggeries Ltd.,
Milmo J. [1968] 1 Lloyd's Rep. 457.
C.A. [1969] 3 All E.R. 1496; [1969] 2 Lloyd's Rep. 425.

F.o.b.

Delivery

Fixed time for delivery—Whether delivery of goods to carrier was delivery to buyers—Buyers not advised of arrival of goods at freight terminal—Whether buyers entitled to cancel order—Effect of instruction by sellers to shipping agents to secure payment before handing over goods.
Frebold and Sturznickel v. Circle Products Ltd., C.A. [1970] 1 Lloyd's Rep. 499.

Illegal. *See* CONTRACT.

Implied term

Fitness for purpose

Sale of chemical by manufacturer to engineering company—Explosion occurring on chemical's contact with water—No warning of explosion hazard—Liability under contract—Sale of Goods Act, 1893, s. 14 (1).
Vacwell Engineering Co. Ltd. v. B.D.H. Chemicals Ltd.,
Rees J. [1969] 3 W.L.R. 927.
Vacwell Engineering Co. Ltd. v. B.D.H. Chemicals Ltd. (Note),
C.A. [1970] 3 W.L.R. 67.

Fitness for purpose and merchantable quality

C. & f. contract—Shipment of potatoes for human consumption from Cyprus to England—Potatoes rotten on arrival in England—Purpose for which goods were required known to sellers—Inference that buyers made known to sellers that they relied on sellers' skill and judgment—Requirement of merchantability in c. & f. contract covering arrival at destination and a reasonable time for disposal thereafter—Sale of Goods Act, 1893, s. 14 (1) (2).
Mash & Murrell Ltd. v. Joseph I. Emanuel Ltd., Diplock J. [1961] 1 W.L.R. 862.
C.A. [1962] 1 W.L.R. 16.

C.i.f. contract—Whether implied warranty that goods on arrival will be of contract description and quality.
Cordova Land Co. Ltd. v. Victor Brothers Inc., Winn J. [1966] 1 W.L.R. 793.

Fire extinguishers—Alleged defective safety valve—Explosion of extinguishers allegedly causing fire to get out of control—Whether subsequent damage too remote—Liability of suppliers of extinguisher—Sale of Goods Act, 1893, s. 14.
Sir Robert McAlpine & Sons Ltd. v. Minimax Ltd.,
Thesiger J. [1970] 1 Lloyd's Rep. 397.

Sale by description—"New and unused" for sale in Iran—Goods of description that in course of sellers' business to supply—Whether inference of reliance by buyer on sellers' skill or judgment—Whether seller warranting fitness for purpose in buyers' home market—Sale of Goods Act, 1893, ss. 13, 14 (1).
Teheran-Europe Co. Ltd. v. S. T. Belton (Tractors) Ltd.,
Donaldson J. [1968] 2 Q.B. 53; [1968] 2 W.L.R. 523.
C.A. [1968] 2 Q.B. 545; [1968] 3 W.L.R. 205.

Secondhand Jaguar motor car—Sale by specialist dealers—Motor car needed new clutch system—Car roadworthy—Whether of "merchantable quality"—Sale of Goods Act, 1893, s. 14 (1) (2). **Bartlett v. Sidney Marcus Ltd.,** C.A. [1965] 1 W.L.R. 1013.

Toxic ground-nut extraction sold for compounding into poultry food—Oral contract confirmed by sale note placing responsibility for latent defects on buyer—Effect of—Extraction suitable for some purposes but not for the particular purpose for which sold—Whether a breach of implied terms as to fitness and merchantability—Buyers and sellers of goods members of same trade association—Contracts on Association's standard form—Clause placing responsibility for latent defects on buyers—Whether buyers entitled to rely on sellers' skill and judgment—Sale of Goods Act, 1893, s. 14 (1) (2).
Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Association,
C.A. [1966] 1 W.L.R. 287.
H.L.(E.) [1969] 2 A.C. 31; [1968] 3 W.L.R. 110.

SALE OF GOODS—*continued.*

Lien of unpaid seller

Transfer to buyer of documents of title

Documents pledged to bank as collateral security for accepted drafts drawn on irrevocable credit opened by bank—Bank handing documents to unpaid seller's agents as trustees for presentation to and collection of purchase price from buyer—Notification by bank of intention to dishonour draft on maturity—Whether seller entitled to cancel contract of pledge by returning draft for cancellation and claiming purchase price from agents.
Sale Continuation Ltd. v. Austin Taylor & Co. Ltd., Paull J. [1968] 2 Q.B. 849; [1967] 3 W.L.R. 1427.

Mercantile agent, by. *See* AGENCY (**Mercantile agent**).

Mistake. *See* CONTRACT.

Nemo dat quod non habet

Estoppel

Motor car—Purported sale by dealer to finance company of trading company's vehicles—Hire-purchase agreements between finance company and trading company—Warranty by dealers in hire-purchase documents of ownership of goods—Trading company privy to warranty—Whether precluded by conduct from denying dealers' authority to sell—Whether, if precluded, liquidator in a better position.
Stoneleigh Finance Ltd. v. Phillips, C.A. [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508.

Owner giving hire-purchase documents signed in blank to dealer—Presentation of completed documents by dealer to finance company without authority—Purported sale by dealer to finance company of owner's car—Hire-purchase agreement between finance company and owner—Whether owner bound by agreement—Whether precluded by conduct from denying dealer's authority to sell—Sale of Goods Act, 1893, s. 21 (1).
Mercantile Credit Co. Ltd. v. Hamblin, C.A. [1965] 2 Q.B. 242; [1964] 3 W.L.R. 798.

Penalty clause. *See* CONTRACT.

Price

Deposit

Trade deposit or part payment—Bespoke suit—Request for " deposit "—Where recoverable by purchaser in default.
Elson v. Prices Tailors Ltd., Ungoed-Thomas J. [1963] 1 W.L.R. 287.

Property, when passing

Cash and carry shop

Goods selected by customer placed in basket—Transfer by assistant at cash desk into removal container—Price shouted out and recorded on till—Whether property only passing on payment of price—Sale of Goods Act, 1893, ss. 17 (2), 18, r. 1.
Lacis v. Cashmarts, D.C. [1969] 2 Q.B. 400; [1969] 2 W.L.R. 329.

Fitted carpets

Contract by sellers to lay carpet for buyers—Carpet stolen before being laid—Claim by sellers for price—Carpet not " unconditionally appropriated to the contract in a deliverable state "—Buyers not liable for price—Sale of Goods Act, 1893, ss. 18, r. 5 (1), 20.
Philip Head & Sons Ltd. v. Showfronts Ltd., Mocatta J. [1970] 1 Lloyd's Rep. 140.

Risk

Unascertained goods—Sale of part of consignment of ox kidneys—Kidneys lying in cold store—Kidneys placed on bogies outside cold store—Bogies on pavement awaiting delivery—Delivery note handed by carrier to cold store—Kidneys loaded by porters into carrier's van—Damage to kidneys subsequent to handing over of delivery note—When risk passed to buyers—When property in kidneys passed to buyers—Whether unconditional appropriation of goods to contract—Sale of Goods Act, 1893, ss. 18, r. 5, 20, 29 (3). **Wardar's (Import & Export) Co. Ltd. v. W. Norwood & Sons Ltd.,** C.A. [1968] 2 Q.B. 663; [1968] 2 W.L.R. 1440.

Property, whether passing

" Sale "

Hirer of motor car seeking finance—Purported sale to agents and resale to new finance company—New hire-purchase agreement with hirer—Whether genuine sale.
Snook v. London and West Riding Investments Ltd., C.A. [1967] 2 Q.B. 786; [1967] 2 W.L.R. 1020.

Owner of motor car seeking finance—Sale of car to agents—Resale to finance company—Hire-purchase agreement with owner—Whether genuine sale.
Kingsley v. Sterling Industrial Securities Ltd., McNair J. and C.A. [1967] 2 Q.B. 747; [1966] 2 W.L.R. 1265.

SALE OF GOODS—*continued.*
Property, whether passing—*continued.*
Sale—continued.
Owner of vehicles seeking finance—Invoices by owners recording sale of vehicles to dealers — Vehicles remaining in owners' possession — Dealers' resale to finance company — Vehicles let out by finance company on hire purchase to owner—Whether title passed to dealers—Whether genuine "sale."
Stoneleigh Finance Ltd. v. Phillips, C.A. [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508.

Sale by buyer in possession
Avoidance by original seller of contract of sale on dishonour of cheque—Sub-purchaser buying in good faith—Buyer in possession not a mercantile agent—Whether sale must be in ordinary course of business of mercantile agent—"Ordinary course of business of a mercantile agent"—Whether title passed to sub-purchaser—Motor car—Factors Act, 1889, ss. 2 (2), 9.
Newtons of Wembley Ltd. v. Williams, Davies L.J. [1964] 1 W.L.R. 1028.
C.A. [1965] 1 Q.B. 560; [1964] 3 W.L.R. 888.

Rectification. *See* CONTRACT.

Rejection
Potatoes
"Contract for sound bags only"—Alleged blight in consignment—Whether buyers entitled to reject—Meaning of "sound."
Glass's Fruit Markets Ltd. v. A. Southwell & Son (Fruit) Ltd., Nield J. [1969] 2 Lloyd's Rep. 398.

Resale by seller in possession
"*Continues in possession*"
Continuity of physical possession regardless of alteration of legal title under which possession held—Sale of Goods Act, 1923 (New South Wales), s. 28 (1) (identical with section 25 (1) of the English Sale of Goods Act, 1893)—Australia.
Pacific Motor Auctions Pty. Ltd. v. Motor Credits (Hire Finance) Ltd., P.C. [1965] A.C. 867; [1965] 2 W.L.R. 881.

Rights of unpaid seller
Contract for sale of two motor cars—Deposit by buyer—Buyer's default in completion—Resale of one car by seller—Whether operative as rescission of contract—Sale of Goods Act, 1893, s. 48.
R. V. Ward Ltd. v. Bignall, C.A. [1967] 1 Q.B. 534; [1967] 2 W.L.R. 1050.

"Sale"
"*Sale by retail*"
Intoxicating liquor—Guests at party helping themselves—Payment for attendance made in advance—Whether a "sale"—Whether "in the nature of a sale by retail"—Customs and Excise Act, 1952, s. 148—Licensing Act, 1953, ss. 120 (1) (*a*), 154 (1).
Doak v. Bedford, Divl.Ct. [1964] 2 Q.B. 587; [1964] 2 W.L.R. 545.

Sale of drugs
No contract of sale between chemist and National Health Service.
Appleby v. Sleep, Divl.Ct. [1968] 1 W.L.R. 948.

Sale by auction. *See* AGENCY.

"Sale by description"
"*Merchantable quality*"
Cloth required for making dresses—Only suitable for industrial use—Compliance with description—Whether cloth of merchantable quality—Sale of Goods Act, 1893, s. 14 (2).
B. S. Brown & Son Ltd. v. Craiks Ltd., H.L.(Sc.) [1970] 1 W.L.R. 752.

Motor vehicle
Secondhand car—Car advertised as 1961 Triumph Herald—Seen by buyer at trial run—Metallic disc with figure 1200 on rear of car—Car composed of parts of two cars—Front part earlier model—Whether "sale by description"—Whether car corresponded with description—Sale of Goods Act, 1893, s. 13.
Beale v. Taylor, C.A. [1967] 1 W.L.R. 1193.

"Sale or return"
Meaning
Plaintiff's car accommodated at dealers' premises—Dealers authorised to sell to third parties—Plaintiff's request for return of car—Car returned after long delay caused by employees' unauthorised acts—Whether contract for sale or return—Whether reasonable time expired—Whether acts of employees a defence—Whether property in car passed to defendants—Sale of Goods Act, 1893, s. 18, r. 4.
Poole v. Smith's Car Sales (Balham) Ltd., C.A. [1962] 1 W.L.R. 744.

Ship. *See* SHIPPING.

Title
Cars purchased from dealers for letting on hire-purchase
Hire-purchase agreements illegal—Effect of illegality on purchase contracts—Whether owner able to establish title in claim for conversion.
Belvoir Finance Co. Ltd. v. Harold G. Cole & Co. Ltd., Donaldson J. [1969] 1 W.L.R. 1377.

SALE OF GOODS—*continued.*

Title—*continued.*

Illegal hire-purchase agreements

Cars purchased from dealers for letting on hire-purchase—Hire-purchase agreements and purchase contracts illegal—Whether owners able to establish title in claim for conversion. **Belvoir Finance Co. Ltd. v. Stapleton,** C.A. [1970] 3 W.L.R. 530.

Trade description

"Act or default of another person"

Manager of supermarket—Company delegating duty to store manager—Offence at store due to manager's failure to supervise properly—Whether store manager "another person"—Whether "all reasonable precautions, and . . . due diligence" exercised by company—Trade Descriptions Act, 1968, ss. 20 (1), 24 (1) (*a*) (*b*).
Tesco Supermarkets Ltd. v. Nattrass, D.C. [1970] 3 W.L.R. 572.

Travel brochure describing hotel accommodation offered—Accommodation provided not in accord with description—Whether false description—Whether recklessly made—Default of another person—Whether all reasonable precautions taken and due diligence exercised—Trade Descriptions Act, 1968, ss. 14 (1) (*b*), 24 (1) (*a*) (*b*).
Sunair Holidays Ltd. v. Dodd, D.C. [1970] 1 W.L.R. 1037.

Turkeys marked "Norfolk" purchased from suppliers—Distribution to traders' shops—Turkeys found to be Danish—Amending labels sent to all shops with proper instructions—One turkey sold under false trade description due to default of shop manager—Whether shop manager "another person"—Whether "all reasonable precautions and . . . all due diligence" exercised by traders—Trade Descriptions Act, 1968, ss. 1 (1) (*b*), 24 (1).
Beckett v. Kingston Bros. (Butchers) Ltd.,
D.C. [1970] 1 Q.B. 606; [1970] 2 W.L.R. 558.

"All reasonable precautions"

Watch marked "Diver's watch," engraved "waterproof"—Watch not waterproof—No tests made on watch—Trader's reliance on suppliers' reputation—Whether statutory defence made out—Trade Descriptions Act, 1968, ss. 1 (1) (*b*), 24 (1) (*b*).
Sherratt v. Gerald's the American Jewellers Ltd., D.C. (1970) 68 L.G.R. 256

Application

Milk in embossed bottle with foil cap—Cap bearing accurate trade description of milk with supplier's name and farm—Bottle embossed with owner's name—Bottle owner's name different from supplier's—Whether falsity in trade description—Whether false if public misled—Trade Descriptions Act, 1968, ss. 1 (1) (*b*), 2 (1), 3, 4 (1).
Donnelly v. Rowlands, D.C. [1970] 1 W.L.R. 1600.

Club

Cigarettes sold at recommended price to a member—Cigarettes marked at lesser price—"Offering to supply"—Refusal of club to admit inspector of weights and measures—Whether an offence—Trade Descriptions Act, 1968, ss. 11, 29.
John v. Matthews, D.C. [1970] 2 Q.B. 443; [1970] 2 W.L.R. 1246.

"In the course of a trade or business"

Sale of motor car by car hire firm—Motor car asset of business—Sale at trade price and proceeds paid into business—False trade description of mileage applied—Whether motor car sold in course of trade or business of the car hire firm—Trade Descriptions Act, 1968, s. 1 (1) (*b*).
Havering London Borough Council v. Stevenson, D.C. [1970] 1 W.L.R. 1375.

"Mistake"

Sale of New Zealand meat as English—Wrong label affixed due to assistant's inadvertence—Employers charged with offence—Whether defence of "mistake" available—Whether entitled to rely on "act or default of another person" without service of notice—Justices' discretion—Trade Descriptions Act, 1968, s. 24 (1) (*a*) (2).
Birkenhead and District Co-operative Society Ltd. v. Roberts,
D.C. [1970] 1 W.L.R. 1497.

Statement

Contract for sale of land—Statement by builder that house covered by 10-year guarantee—False statement made recklessly after contract completed and price paid—Whether offence confined to statement made as inducement to enter into contract—Trade Descriptions Act, 1968, s. 14 (1).
Breed v. Cluett, D.C. [1970] 2 Q.B. 459; [1970] 3 W.L.R. 76.

Warranty

Collateral warranty

Representation made with intention of, and inducing, other party to act on it—No reasonable foundation for representation—Sale of motor car—Statement of mileage—Subsequent ascertainment of history of car supporting inference of substantially greater mileage—Maker of representation in position to discover true position—Whether warranty or innocent misrepresentation—Test.
Dick Bentley Productions Ltd. v. Harold Smith (Motors) Ltd.,
C.A. [1965] 1 W.L.R. 623.

SALE OF GOODS—*continued.*

Warranty—*continued.*

Goods bought from third party

Express warranty by defendants to plaintiffs that goods conforming with analysis—Goods ordered by defendants through third party—Whether a collateral contract—Whether defendants liable to plaintiffs for breach of warranty.
Wells (Merstham) Ltd. v. Buckland Sand and Silica Ltd., Edmund Davies J. [1965] 2 Q.B. 170; [1964] 2 W.L.R. 453.

Implied statutory warranty

Ground-nut extraction sold to manufacturer for use as ingredient in compound food for poultry—Food fed to pheasants and partridges—Deaths of chicks and poults due to toxic substance in ground-nut extraction—Whether warranty as to suitability of "article" for use as food for poultry applicable—Whether damages recoverable—"Poultry"—Meaning of—"Article"—Meaning of—Fertilisers and Feeding Stuffs Act, 1926, s. 2 (2), Sch. 1. **Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Association,** C.A. [1966] 1 W.L.R. 287.
H.L.(E.) [1969] 2 A.C. 31; [1968] 3 W.L.R. 110.

Whether statutory warranty as to suitability of goods applicable to sale abroad—C.i.f. contract for sale of ground-nut cake for cattle—Cake contaminated by castor seed—Sale of cake concluded outside United Kingdom on transfer of property in goods—Whether sale was "sale" within Act of 1926—Fertilisers and Feeding Stuffs Act, 1926, s. 2 (2). **C. E. B. Draper & Son Ltd. v. Edward Turner & Son,** C.A. [1965] 1 Q.B. 424; [1964] 3 W.L.R. 783.

Title

Motor car purchased from first defendant seized by second defendants, the rightful owners —Claim for damages for breach of warranty of title against first defendant, with alternative claim to damages for conversion against second defendants—Whether plaintiffs entitled to recover from first defendant as damages their solicitor and client costs of joining second defendants—Whether first defendant entitled to indemnity in respect of damages and costs against third party in third party proceedings.
Bowmaker (Commercial) Ltd. v. Day, MacKenna J. [1965] 1 W.L.R. 1396.

SALE OF LAND. *See* VENDOR AND PURCHASER.

SALMON. *See* FISHERY.

SATISFACTION. *See* WILL (**Construction**).

SAVINGS BANKS

National Development Bonds

"Dispute"

Bonds charged to bank—Request by bank to Director of Savings to encash bonds and pay proceeds to bank—No consent by owner of bonds—Refusal by director—Whether "dispute" capable of reference to Chief Registrar of Friendly Societies—Whether bank "claiming to be entitled to" bonds—Jurisdiction of registrar—National Debt Act, 1958, s. 4 (1)—Post Office Savings Bank Regulations, 1966, r. 48 (1).
Reg. v. Chief Registrar of Friendly Societies, *Ex parte* **Mills,** D.C. [1970] 1 W.L.R. 1534.

Post Office Savings Bank

Deposit

Dispute—Arbitration—Money owed by depositor to Government Departments—Formal request to Postmaster-General to settle claims from depositor's account—Refusal by Postmaster-General to pay—Whether a "dispute" referable to Chief Registrar of Friendly Societies—Jurisdiction of Registrar—Post Office Savings Bank Act, 1954, s. 8 (1) (*b*). **Ministry of Pensions and National Insurance v. Jones,** Megaw J. [1966] 1 Q.B. 484; [1965] 3 W.L.R. 179.

SCHOOL. *See* CHARITY (**Education**); EDUCATION; NEGLIGENCE.

SCOTLAND. *See* JUDICIAL PRECEDENT.

SCRAP METAL DEALER

Record book

Retention for two years

Monthly book kept at store—Book when full transferred to dealer's headquarters 12 miles from store—Whether book to be "retained" at store for which kept—Scrap Metal Dealers Act, 1964, s. 2 (1) (5).
W. Houston & Sons Ltd. v. Armstrong, D.C. [1969] 1 W.L.R. 1864.

SEAL. *See* CONTRACT; DEED; LANDLORD AND TENANT (**Agreement**); PARTNERSHIP.

SEQUESTRATION

Arrest of ship in action in rem

Equivalent to

"Sequestration"—Companies Act, 1948, s. 228 (1).
The Constellation, Hewson J. [1966] 1 W.L.R. 272.

Contempt of court

Subsequent contempt

Jurisdiction of court to order funds sequestered for one contempt to be used in respect of another. **Romilly v. Romilly,** Scarman J. [1964] P. 22; [1963] 3 W.L.R. 732.

"Wilful"

Breach of consent order by company—Sequestration not ordered where livelihood of innocent persons affected and breach remedied.
Steiner Products Ltd. v. Willy Steiner Ltd., Stamp J. [1966] 1 W.L.R. 986.

Enforcement

Chose in action

Insistence by third party on specific court order—Whether necessary—Liability for costs.
Bucknell v. Bucknell, Brandon J. [1969] 1 W.L.R. 1204.

Power of sequestrator

Land

Whether writ of sequestration empowers court to order sale of freehold property—Contract of sale released to sequestration—Power of sequestrator to vary terms of contract.
Hipkin v. Hipkin, Sir Jocelyn Simon P. [1962] 1 W.L.R. 491.

SERVICE. *See* HUSBAND AND WIFE (**Divorce**); PRACTICE; STATUTE (**Construction**).

SETTLED LAND

Merger

Surrender of life interest to contingent reversioner

Whether contingent reversioner takes absolutely. *In re* **Bellville's Settlement Trusts,** Wilberforce J. [1964] Ch. 163; [1963] 3 W.L.R. 653.

Tenant for life

Joint

Power of sale—Tenant in occupation refusing to sell—Tenant not in occupation desirous of selling—Application to court—Whether court should interfere to order sale—Settled Land Act, 1925, ss. 19, 38, 67, 93. *In re* **90 Thornhill Road, Tolworth, Surrey,** Foster J. [1970] Ch. 261; [1969] 3 W.L.R. 570.

Powers

Leasing, statutory powers of—Executory agreement to grant leases comprising settled and unsettled land—Lease not to take effect in possession within 12 months of date of executory agreement—Whether in conformity with Act—Three leases of separate blocks of property—Whether "leased in lots"—Aggregate rent exceeding one-fifth of full annual value of land—Rent to be apportioned among three leases—Whether agreement within powers of tenant for life—Settled Land Act, 1925, ss. 42 (1) (i), 44 (3) (iii), 90 (1) (iii), 117 (1) (x).
In re **Rycroft's Settlements,** Wilberforce J. [1962] Ch. 263; [1961] 3 W.L.R. 890.

Limitations to sons in tail male and then further life interest—Prior life tenant childless—Surrender of life interest—Who was tenant for life—Power to appoint new trustees in person "for the time being entitled to the possession or to the receipt of the rents and profits"—Who was entitled to appoint new trustees—Settled Land Act, 1925, ss. 105 (1), 108 (2). *In re* **Maryon-Wilson's Instruments,** Foster J. [1969] 3 W.L.R. 575.

Testamentary settlement—Conveyance for value of part of the settled land to tenant for life—Conveyance by all executors including purchasing tenant for life as personal representatives—Whether legal estate passed freed and discharged from trusts of the settlement—Whether conveyance to be treated as made with intention of operating trustees' statutory powers—Whether tenant for life should be a conveying party as well as party to whom conveyed—Settled Land Act, 1925, ss. 6, 30 (3), 68 (2).
In re **Pennant's Will Trusts,** Buckley J. [1970] Ch. 75; [1969] 3 W.L.R. 63.

Trust for sale. *See* TRUST FOR SALE.

Variation of trusts. *See* TRUSTS.

SETTLEMENT. (*See also* GIFT; HUSBAND AND WIFE; REVENUE; TRUSTS.)

After-acquired property

Marriage settlement

Covenant to settle existing and after-acquired property—Vested reversionary interest under will—Sole trustee of both settlement and will—Interest in possession—No consideration by beneficiaries under settlement—Whether interest held by trustee on trusts of settlement or will.
In re **Ralli's Will Trusts,** Buckley J. [1964] Ch. 288; [1964] 2 W.L.R. 144.

Covenant to settle wife's after-acquired property—"Property to which the wife may after the marriage become entitled in possession or reversion . . ."—Whether interest vested at date of marriage but defeasible caught by covenant—Whether indefeasible interest vested in reversion at date of marriage caught by covenant—Whether contingent interest at date of marriage caught by covenant.
In re **Peel's Settlement Trusts,** Buckley J. [1964] 1 W.L.R. 1232.

Voluntary settlement

Covenant to pay proceeds of settlor's pictures, if sold, to trustees of settlement—Whether enforceable.
In re **Cook's Settlement Trusts,** Buckley J. [1965] Ch. 902; [1965] 2 W.L.R. 179.

Capital or income. *See* CAPITAL OR INCOME.

Construction. (*See also* WILL (**Construction**).)

Acceleration

Contingent interests—Trust for settlor's widow until remarriage—Remainder to children attaining 21—Dissolution of marriage—Remarriage and death of settlor—Failure of former wife's interest—Whether children's interest accelerated or resulting trust to settlor's estate—Contingency of attaining majority unrelated to determination of wife's interest. *In re* **Dawson's Settlement,** Goff J. [1966] 1 W.L.R. 1456.

Tenant for life under settlement entitled to life interest under settlor's will—Release of life interest under settlement to take effect as if life interest deleted from settlement—Settlor dead—Whether resulting trust for settlor's estate.
In re **Guinness's Settlement,** Goff J. [1966] 1 W.L.R. 1355.

"Children"

Adoption in foreign country—Not recognised by adopter's lex domicilii—Whether "children" of adopter.
In re **Valentine's Settlement,** Pennycuick J. [1965] Ch. 226; [1964] 3 W.L.R. 768.
C.A. [1965] Ch. 831; [1965] 2 W.L.R. 1015.

"Male issue," "male descendants"—Gift of income to brothers of settlor and "male issue" of deceased brothers—Whether restricted to exclusively male line—Gift of income to "male descendants" of settlor's father responsible for settlor's father's business—Whether males descended through females included.
In re **du Cros' Settlement Trusts,** Pennycuick J. [1961] 1 W.L.R. 1252.

Class gift

Trust primarily for benefit of settlor's grandchildren—Trust for accumulation—General power of advancement—Whether exercisable during accumulation period—Time for ascertaining class—Rule of convenience—Whether excluded.
In re **Henderson's Trusts,** C.A. [1969] 1 W.L.R. 651.

Surrender clause

Power to surrender life interest in vested share in trust fund—Appointment of share to issue on attaining specified age—Surrender to trustees of life interest in share—Whether appointed shares vested or contingent—Rule in Phipps *v.* Ackers—Whether surrender a valid exercise of power under settlement—Effect of valid surrender on interests of issue under settlement.
In re **Penton's Settlements,** Ungoed-Thomas J. [1968] 1 W.L.R. 248.

Uncertainty. *See* POWER OF APPOINTMENT; TRUSTS.

Divorce. *See* HUSBAND AND WIFE.

Entailed interest. *See* ENTAILED INTEREST.

Estate duty. *See* REVENUE.

Hotchpot. *See* HOTCHPOT.

Income tax. *See* REVENUE.

Lunatic's property. *See* MENTAL DISORDER.

SETTLEMENT—*continued.*

Outgoing attributable to whole fund

Division between capital and income

Equitable principles—Contribution to English estate duty—Canadian settlement.
In re **Latham, decd.,** Wilberforce J. [1962] Ch. 616; [1961] 3 W.L.R. 1154.

Power of appointment. *See* POWER OF APPOINTMENT.

Power of withdrawal by settlor

Exercise

Whether power can be exercised by another as attorney—Joint exercise by settlor and another.
In re **Langley's Settlements Trusts,** C.A. [1962] Ch. 541; [1961] 3 W.L.R. 1169.

Settled land. *See* SETTLED LAND.

Tax avoidance scheme. *See* TRUSTS.

Trust for sale. *See* TRUST FOR SALE.

Variation. *See* HUSBAND AND WIFE (**Settlement**).

SEVERABILITY OF DOCUMENTS

Name and arms clause

Public policy

Partly contrary to public policy.
In re **Howard's Will Trusts,** Wilberforce J. [1961] Ch. 507; [1961] 2 W.L.R. 821.

Trusts

Investment clause

Trustees to invest (1) in " blue chips " (2) not in gilt-edged—(1) void for uncertainty—Whether (2) effective.
In re **Kolb's Will Trusts,** Cross J. [1962] Ch. 531; [1961] 3 W.L.R. 1034.

SHERIFF. *See* EXECUTION.

SHIPPING. (*See also* ADMIRALTY; CONFLICT OF LAWS; DOCK; NEGLIGENCE (**Safe system of work**).)

Bill of lading

Delay

Damage to cargo—Delivery delayed by strike—Vessels ordered to strike-bound port by owners—Damage to cargo due to delay when vessel became strike-bound—Effect of exemption clause in bill of lading—Whether owners had exercised due care to protect and safely carry cargo—U.S. Carriage of Goods by Sea Act, 1936.
The Mormacsaga, Arthur I. Smith J. (Canada) [1968] 2 Lloyd's Rep. 184.
Canada Exchequer Ct. [1969] 1 Lloyd's Rep. 515.

Discharge

Limitation of liability—Stevedores engaged by carrier—Action against stevedores for admitted negligence—Whether entitled to protection of limitation—" Carrier "—United States Carriage of Goods by Sea Act, 1936, s. 4 (5)—Carriage of Goods by Sea Act, 1924, Sch., art. IV, n. 5. **Midland Silicones Ltd. v. Scruttons Ltd.,**
H.L.(E.) [1962] A.C. 446; [1962] 2 W.L.R. 186.

Exemption clause

Philippines—Goods lost in typhoon while on board lighter abandoned without motive power—Whether liability of shipowner and shipowner's agent excluded by terms of bill of lading—Liability of lighterman.
Domestic Insurance Co. of the Philippines v. Barber Line et al.,
Judge Jose L. Moya (Philippines) [1970] 1 Lloyd's Rep. 49.

Rain-water damage to cotton bales in lighter after discharge from vessel—Liability of shipowner—Whether carriage of goods ceased when goods were put into lighter—Hague Rules, arts. I (*e*), III (2)—Indian Carriage of Goods by Sea Act, 1925, Sch.
East & West Steamship Co. v. Hussain Brothers, Pakistan Supreme Ct.
[1968] 2 Lloyd's Rep. 145.

Fire damage

United States—Vessel allowed by owners' agents to sail with smoke in hold—Cargo damaged by fire—Whether owners exempted from liability by statute—Whether fire caused by " design or neglect of owner "—United States Fire Statute, 46 U.S. Code, s. 182. **The Texas,** U.S. District Ct. [1970] 1 Lloyd's Rep. 175.

SHIPPING—*continued.*
Bill of lading—*continued.*
Freight

United States—Additional freight—Closure of St. Lawrence Seaway—Vessel locked in Great Lakes for winter—Liability of shipper for additional freight—Whether shipowner negligent in disregarding warnings by Seaway Authority to clear its ships from Seaway —Effect of exculpatory clauses in bill of lading.
Orient Mid-East Lines Inc. v. Orient Merchant, U.S.District Ct. of Columbia
[1968] 2 Lloyd's Rep. 449.
U.S. Ct. of Appeals [1969] 1 Lloyd's Rep. 384.

Incorporation clause

Mistake — Clause incorporating all terms and conditions of charterparty "(including clause 30)"—Clause 30 irrelevant to bill of lading—Inserted in mistake for arbitration clause 32—Arbitration clause expressly applicable to disputes arising out of bills of lading—Whether effectively incorporated—Doctrine of falsa demonstratio—Whether applicable. **The Merak,** Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

Insurance, benefit of

United States—Loss in transit—Benefit of insurance—Conflicting clauses in policy and bill of lading—Liability of carrier.
Salon Service Inc. v. Pacific & Atlantic Shippers Inc., U.S.New York Supreme Ct.
[1968] 2 Lloyd's Rep. 400.

Jurisdiction of courts

Pakistan—Exclusive jurisdiction given to foreign court—Whether enforceable in Pakistan —Whether jurisdiction of Pakistan court ousted—Meaning of "usual legal proceedings in the ordinary tribunals"—Contract Act, 1872, s. 28.
Chowdbury v. Mitsui O.S.K. Lines Ltd., Pakistan Supreme Ct.
[1970] 2 Lloyd's Rep. 272.

Limitation of liability

Damage to cargo—Carrier's liability limited to $500—United States—Whether stevedore also entitled to benefit of bill of lading provision.
Carle & Montanari Inc. v. American Export Lines Inc., U.S.District Ct.
(Southern District of New York) [1968] 1 Lloyd's Rep. 260.

United States—Damage to cargo—Carrier's liability limited to $500—"Carrier" defined as including "all persons rendering services in connection with . . . this contract"—Cargo dropped by stevedores onto plaintiffs' cargo already stowed—Whether stevedores entitled to rely on limitation provision in bill of lading.
Cabot Corpn. et al. v. The Mormacscan, U.S. District Ct. [1969] 2 Lloyd's Rep. 638.

——————Loss of cargo (in container)—Validity of bill of lading clause treating container as a "package"—Whether terminal operator entitled to benefit of limitation clause in bill of lading—U.S. Carriage of Goods by Sea Act, 1936 (46 U.S. Code, s. 1304 (5)). **The Mormaclynx,** U.S. District Ct. [1970] 1 Lloyd's Rep. 527.

Non-delivery

Measure of damages—Whether damages should include Canadian Customs duty paid by bill of lading holder—Effect of valuation clause in bill of lading—Whether U.S. C.O.G.S.A. applied. **Club Coffee Co. Ltd. v. Moore-McCormack Lines Inc.,**
Thurlow J. (Canada Exch.Ct.) [1968] 2 Lloyd's Rep. 103.

Pilferage

Goods pilfered after discharge into shed by stevedores—Liability of carrier, carrier's port agent and stevedores—Effect of bill of lading clauses—Whether plaintiff's claim barred by Civil Code of Lower Canada, Art. 2430, and/or exception clause in advice note.
The Prins Willem III, Canada Superior Ct. [1968] 2 Lloyd's Rep. 192.

Proper law

Disputes to be decided by law of country where carrier carries on business—Court's discretion to grant stay of proceedings.
The Eleftheria, Brandon J. [1970] P. 94; [1969] 2 W.L.R. 1073.

Receipt, as

Short delivery—Bill of lading prima facie, though not conclusive, evidence of receipt of goods—Rebuttal, whether evidence of—Condition that "weight, contents and value when shipped unknown" — Inference from facts and circumstances as to contents — Carriage of Goods by Sea Act, 1924, Sch., art. III, rr. 3, 4.
Attorney-General of Ceylon v. Scindia Steam Navigation Co. Ltd.,
P.C. [1962] A.C. 60; [1961] 3 W.L.R. 936.

Rust clause

United States—Rust clause in bill of lading restricting statement of "apparent good order and condition"—Whether carrier estopped from showing rust damage to steel pipes was of pre-shipment origin—Whether bill of lading clause invalidated under U.S. Carriage of Goods by Sea Act, 1936 (46 U.S.C., ss. 1300–1315).
Tokio Marine & Fire Insurance Co. Ltd. v. Retla S.S. Co.,
U.S. Ct. of Appeals [1970] 2 Lloyd's Rep. 91.

SHIPPING—*continued.*

Bill of lading—*continued.*

Rust clause—continued.

United States—Steel tubes shipped "in apparent good order and condition"—Delivered in rusty condition through being stored in open by stevedores—Liability of carrier to shipper—Liability of stevedores to carrier—U.S. Carriage of Goods by Sea Act, 1936 (46 U.S. Code, s. 1300 et seq.)—Harter Act, 1893 (46 U.S. Code, s. 190 et seq.).
Fabri Co. Inc. v. Universal Shipping Corpn. (John W. McGrath Corpn. Third Party),
U.S. District Ct. [1970] 2 Lloyd's Rep. 201.

Sea water damage to cargo in hold

United States—Steel products damaged by rust due to sea water wetting—Vessel fitted with MacGregor type hatches—Unseaworthiness—"Perils of the sea"—Liability of carrier—U.S. Carriage of Goods by Sea Act, 1936, s. 3 (1) (2) (46 U.S. Code, s. 1300 et seq.). **The Sabine Howaldt,** U.S. District Ct. [1970] 1 Lloyd's Rep. 185.

Sea-water damage to cargo stowed on deck

United States — Short form bill of lading not mentioning on-deck stowage — Terms of regular form incorporated into short form by reference—Whether carrier in breach of contract—Clause lessening liability of carrier—Alleged trade custom—Carrier liable in full—U.S. Carriage of Goods by Sea Act, 1936.
Encyclopaedia Britannica Inc. v. Hongkong Producer,
U.S. District Ct. [1969] 1 Lloyd's Rep. 421.
U.S. Ct. of Appeals [1969] 2 Lloyd's Rep. 536.

Seaworthiness

Hague Rules—Damage to cargo—Defect in storm valves—Negligence of independent contractor's fitter—Lack of due diligence—(Australian) Sea Carriage of Goods Act, 1924, s. 5—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 1, art. IV, r. 1.
Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd., H.L.(E.)
[1961] A.C. 807; [1961] 2 W.L.R. 269.

————Damage to cargo due to missing cover plate to hold—Cover stolen by stevedore employed to handle other cargo—Consequential entry of seawater to hold—No lack of diligence by ship's officers or crew—Whether shipowner liable for damage to cargo—Whether damage arising from unseaworthiness—Whether theft of stevedore an act in the management of the ship—Whether damage resulted from perils of the sea—Whether damage resulted from "any other cause arising without the actual fault or privity of the carrier, or" his agents or servants—Whether stevedores acting in course of employment—(Indian) Carriage of Goods by Sea Act, 1925—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 1 (*a*), art. IV, rr. 1, 2 (*a*) (*c*) (*q*).
Leesh River Tea Co. Ltd. v. British India S.N. Co. Ltd.,
C.A. [1967] 2 Q.B. 250; [1966] 3 W.L.R. 642.

————Meaning of "voyage"—Doctrine of stages—Carrier's obligation to bunker—(Canadian) Water Carriage of Goods Act, 1936—Carriage of Goods by Sea Act, 1924, Sch., art. III, r. 1. **The Makedonia,** Hewson J. [1962] P. 190; [1962] 3 W.L.R. 343.

Short delivery

Canada—Liability of carrier—Goods discharged into warehouse—Whether bill of lading extended to cover goods while in warehouse.
The Canadian Star, Canada Exchequer Ct. [1970] 2 Lloyd's Rep. 86.

Time bar

Charterparty—Limitation of action—Claim by cargo-owners for damage to cargo—Extension of time granted by time charterers—Whether binding on shipowner—Whether time charterers actual or ostensible agents of shipowner.
The Italian, Brandon J. [1969] 1 Lloyd's Rep. 11.

Hague Rules—Mis-delivery—Goods delivered by shipowner's agents without production of bill of lading—Claim by bill of lading holder against shipowner—Applicability of Rules scheduled to Carriage of Goods by Sea Act, 1924—Whether shipowner discharged from liability by art. III, r. 6.
Rambler Cycle Co. Ltd. v. P. & O. Steam Navigation Co.,
Malaysia Federal Ct. [1968] 1 Lloyd's Rep. 42.

————To be interpreted widely — "Suit" — Meaning of — Whether including arbitration—Hague Rules (as applied by Carriage of Goods by Sea Act, 1924), Sch., art. III, r. 6. **The Merak,** Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

————"Unless suit is brought within one year after delivery"—First action within period of limitation—Second action outside period of limitation—Whether second action time barred—Carriage of Goods by Sea Act, 1924, art. III, r. 6.
Compania Colombiana de Seguros v. Pacific Steam Navigation Co.,
Roskill J. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484.

Cargo, damage to

Assessment of damages

Interest. **Young Glover & Co. Ltd. v. Red Sea Development Corpn.,**
Megaw J. [1968] 2 Lloyd's Rep. 489.

SHIPPING—*continued.*

Charterparty

Arrived ship

Ship prevented from arriving because no cargo available.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

Bill of lading

Contract of sale f.o.b.—Buyers chartering vessel—Sellers shipping goods and taking order bill of lading—Contract postponing passing of risk—Property, when passing—Whether shippers acting as charterers' agents—Whether bill of lading mere receipt—Charterers subsequently receiving bill of lading by indorsement from shippers—Alleged short delivery of cargo—Dispute between charterers and shipowners—Arbitration clause in charterparty not in bill of lading—Whether dispute within arbitration clause.
President of India v. Metcalfe Shipping Co. Ltd.,
Megaw J. [1969] 2 Q.B. 123; [1969] 2 W.L.R. 125.
C.A. [1970] 1 Q.B. 289; [1969] 3 W.L.R. 1120.

Cancelling clause

Option of cancelling—Whether exercisable before cancelling date.
The Mihalis Angelos, C.A. [1970] 3 W.L.R. 601.

Cargo. (*See also* ELECTION OR OPTION.)

Alternative cargo—Loading of intended cargo delayed—Duty of charterer to exercise alternative cargo option—Construction—Burden of proving that alternative cargo could have been shipped.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food,
C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.
H.L.(E.) [1963] A.C. 691; [1963] 2 W.L.R. 439.

Canada—Damage to cargo—Mixing of pig-iron following grounding of vessel—Voyage charterparty and bills of lading—Carrier's obligation to keep cargo separate and provide a seaworthy ship—Whether overloading of vessel or negligence of pilot caused grounding—Effect of exception clause in charterparty—Liability of carrier and cargo-owner for acts of surveyor during general average operations—Whether loss due to general average operations part of general average loss—York-Antwerp Rules, 1950, rr. XII, D.
The Oak Hill, Canada Exchequer Ct. [1970] 2 Lloyd's Rep. 332.

Obligation of charterers to load—Whether entitled to use whole of lay time in loading—Cargo to be loaded at average rate of not less than 1,000 tons per weather working day—Cargo almost fully loaded—Charterers' discontinuance of loading for four days—Time for loading still unexpired—Owners' claim for damages for detention—Charterers under no duty to accelerate loading if time unexpired—Only ·1 per cent. of cargo not loaded—Whether de minimis.
Margaronis Navigation Agency Ltd. v. Henry W. Peabody & Co. of London Ltd., Roskill J. [1965] 1 Q.B. 300; [1964] 3 W.L.R. 111.
C.A. [1965] 2 Q.B. 430; [1964] 3 W.L.R. 873.

Obligation of charterers to provide—Ship unable to become an arrived ship unless cargo immediately available—Exceptions clause.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

United States—Claim by charterers for damage to bananas—Unseaworthiness of vessel—Insufficiency of crew—Fault in operation of refrigerating machinery—Claim by shipowners for payment of hire—" Deficiency of men."
The Heinz Horn, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 191.

Centrocon arbitration clause

Clause governing " disputes arising out of their contract "—Bills of lading clauses, including arbitration clause, incorporated into charterparty " as far as applicable "—Whether arbitration clause applicable to dispute between owners and charterers.
Tradax S.A. v. Volkswagenwerk A.G., Megaw J. [1969] 2 Q.B. 599; [1969] 2 W.L.R. 498.

Charterers' liability

Liner voyage—Loading and discharging at numerous ports under numerous bills of lading—Charterers to bear 1s. per gross registered ton " on any one cargo " of claims arising—Meaning of " any one cargo "—Whether goods under each bill of lading " one cargo."
Clan Line Steamers Ltd. v. Ove Skou Rederi A/S, Roskill J. [1969] 2 Lloyd's Rep. 155.

Clause paramount

Baltime Charterparty—Liability limited to owners' personal liability—Special typed clause—Owners liable for cleaning holds—Liability for agents and servants—Cargo damaged—Whether owners liable for damage—Whether owners could recover from charterers money paid to holders of bills of lading incorporating Hague Rules.
The Brabant, McNair J. [1967] 1 Q.B. 588; [1966] 2 W.L.R. 909.

SHIPPING—*continued.*

Charterparty—*continued.*

Collision

Damage to charterer's wharf—" Owners shall instruct the Master . . . to engage a pilot "—Negligence of pilot—Whether pilotage was compulsory—Liability of owners—" Owners shall not be responsible for loss or damage "—Whether restricted to loss or damage to cargo—Effect of incorporation of Hague Rules into charterparty—Australian Sea-Carriage of Goods Act, 1924, Sch., art. IV (2) (*a*).
Australian Oil Refining Pty. Ltd. v. R. W. Miller & Co. Pty. Ltd., Australia High Ct. [1968] 1 Lloyd's Rep. 448.

Damages

Anticipatory breach—Assessment of damages.
The Mihalis Angelos, Mocatta J. [1970] 2 W.L.R. 907; C.A. [1970] 3 W.L.R. 601.

Remoteness of damage—Deviation by ship—Delay in voyage—Fall in market price of goods—Whether damages limited to interest on value of cargo—Whether damages decline in value of goods between due delivery and actual delivery—Measure of damages.
C. Czarnikow Ltd. v. Koufos, C.A. [1966] 2 Q.B. 695; [1966] 2 W.L.R. 1397. H.L.(E.) [1969] 1 A.C. 350; [1967] 3 W.L.R. 1491.

Dangerous cargo

Concentrates—Deviation of vessel due to shifting of cargo—Whether cargo of dangerous character—Whether vessel unseaworthy—Whether liability of charterers or owners—Provision that carrier responsible for cargo—Effect—Canadian Concentrates Code.
Heath Steele Mines Ltd. v. The Erwin Schröder, Canada Exchequer Ct. [1969] 1 Lloyd's Rep. 370.

Iron ore concentrate loaded by charterers—Master misled by shippers as to moisture content—Expenses incurred by owners in reloading—Liability of charterers—Whether cargo " dangerous "—Effect of charterparty clause providing that no dangerous goods were to be shipped—Meaning of " such as "—Baltime 1939 Uniform time charter.
Micada Compania Naviera S.A. v. Texim, Donaldson J. [1968] 2 Lloyd's Rep. 57.

Demurrage

Alleged set-off or counterclaim—Delay due to collision caused by vessel's negligent navigation—Whether owners protected by charterparty clause which incorporated Hague Rules—Meaning of " paramount "—Specialibus generalia non derogant.
Marifortuna Naviera S.A. v. Government of Ceylon, Mocatta J. [1970] 1 Lloyd's Rep. 247.

" Centrocon " Strike Clause—" Stoppages beyond control of Charterers "—Dispatch rebate—" Any time lost . . . through . . . above causes "—Whether period from anchoring of vessel off port to giving notice of readiness counted as time used in loading.
Navico A.G. v. Vrontados Naftiki Etairia P. E., Donaldson J. [1968] 1 Lloyd's Rep. 379.

Damages, limit of?—Americanised Welsh coal charter—Consecutive voyages—Detention—Delays by charterers in loading and discharging cargoes preventing vessel performing more voyages in charter time—Whether shipowners entitled to damages (less demurrage payments) for loss of further freights—Whether shipowners precluded from recovering further damages by reason of payments of demurrage.
Suisse Atlantique Société d'Armement Maritime S.A. v. N.V. Rotterdamsche Kolen Centrale, H.L.(E.) [1967] 1 A.C. 361; [1966] 2 W.L.R. 944.

Exceptions clause—Centrocon charter—" Time for loading or discharging . . . shall not count " during strike—Whether receivers liable for demurrage during strike period after expiry of laytime. **Union of India v. Compania Naviera Aeolus S.A.,** C.A. [1962] 1 Q.B. 1; [1961] 2 W.L.R. 659. H.L.(E.) [1964] A.C. 868; [1962] 3 W.L.R. 1123.

———————Charterers excused if loading " of the cargo or the intended cargo " delayed by " force majeure, . . . strikes, . . . or any other hindrance of whatsoever nature beyond the charterers' control " — Strike at nominated port — Direction of Canadian Wheat Board preventing loading of cargo intended by charterer—Whether bound to load alternative cargo—Whether bound to nominate alternative port—Treatment of Saturdays—Despatch money payable on " time saved including Sundays."
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110. H.L.(E.) [1963] A.C. 691; [1963] 2 W.L.R. 439.

Failure by charterers to nominate port of discharge—Port selected by master—Whether vessel " arrived ship "—Whether damages for detention payable—Measure of damages—Baltimore Force C charterparty.
The Timna, Donaldson J. [1970] 2 Lloyd's Rep. 409.

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Lay time—Commencement—Lay time exhausted at loading port—Commencement of demurrage at discharge port—Whether notice of readiness time to expire before demurrage commencing.
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"Weather working days"—Meaning—Whether 24 consecutive hours each day—Whether normal working day—Practice at port of loading grain 24 hours a day—Insufficient evidence of custom—Relevance of receipt of overtime.
N. V. Maatschappij Zeevart v. M. Friesacher Soehne, Elwes J. [1962] 1 W.L.R. 534.

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Calculation of lay-days—Five cargo hatches—Meaning of "120 metric tons per hatch."
The Theraios, Mocatta J. [1970] 2 Lloyd's Rep. 142.

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The Mihalis Angelos, Mocatta J. [1970] 2 W.L.R. 907;
C.A. [1970] 3 W.L.R. 601.

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Calculation—Closure of Suez Canal—Applicability of Suez Canal Clause—Whether rate of freight was to be calculated with reference to notional ballast voyage via Cape of Good Hope or via Suez Canal—International Tanker Nominal Freight Scale.
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C.A. [1969] 2 Lloyd's Rep. 65.

——————Closure of Suez Canal in 1967—Voyage via Cape of Good Hope instead of Suez Canal—Basis for calculating correct rate of freight payable—International Tanker Nominal Freight Scale—Meaning of "as amended."
Sanko Steamship Co. Ltd. v. Propet Co. Ltd., Mocatta J. [1970] 2 Lloyd's Rep. 235.

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Agenor Shipping Co. Ltd. v. Societe des Petroles Miroline, Donaldson J.
[1968] 2 Lloyd's Rep. 359.

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The Pantanassa, Brandon J. [1970] P. 187; [1970] 2 W.L.R. 981.

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Baltime form—Obligation on charterers to arrange loading—Master to be under orders of charterers as regards employment, agency or other arrangements—Charterers to indemnify owners against all consequences or liabilities arising from compliance with charterers' orders—Charterers responsible for loss or damage caused to owners by improper or careless loading or other improper or negligent act by them or their servants—Independent contractors engaged by charterers to load vessel at U.S. port—Injury to stevedore—Not caused by improper or careless loading or by other negligent act by charterers—Whether owners entitled to indemnity for sum paid to stevedore in settlement of potential liability under local law.
The White Rose, Donaldson J. [1969] 1 W.L.R. 1098.

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Vessel ordered to Cape Chat—Grounding of vessel when moorings parted in strong wind and swell—Weather forecasts for area not provided by charterers' agents—Liability of charterers—Whether port unsafe—Whether vessel's master and crew negligent.
The Dagmar, Mocatta J. [1968] 2 Lloyd's Rep. 563.

Seaworthiness

Condition precedent, whether—Time charter—Vessel unseaworthy by reason of inadequate engine-room staff—Breakdowns and delays—Vessel off hire for 5 out of 13½ weeks—Further 15 weeks required for repairs—Whether charterers entitled to rescind—Whether charter frustrated. **Hongkong Fir Shipping Co. Ltd. v. Kawasaki Kisen Kaisha, Ltd.,**
Salmon J. [1962] 2 Q.B. 26; [1961] 2 W.L.R. 716.
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Sea water entering chartered vessel's hold through hole in her double bottom tank—Flooding—Allegation by shipowners that loss caused by fracture of sounding tube by negligence of stevedores—Whether stevedores could rely on clause in charterparty stating "Master to notify stevedores of damages . . . within 24 hours after the occurrence"—Unseaworthiness of vessel established—Stevedores not liable.
The Yiannis, U.S. District Ct. [1970] 1 Lloyd's Rep. 346.

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Time-barred claim

" Undue hardship "—Arbitration clause barring claims where reference to arbitration not begun within three months of final discharge—Owners' claim for serious damage to vessel—Cross-claims by charterers—Parties seeking amicable settlement during three-month period—Abortive meeting to discuss settlement one day after expiry of time-limit—Time for reference to arbitration overrun by nine days—Application to court for extension of time by owners—Whether " undue hardship "—Arbitration Act, 1950, s. 27.
Liberian Shipping Corpn. " Pegasus " v. A. King & Sons Ltd., C.A. [1967] 2 Q.B. 86; [1967] 2 W.L.R. 856.

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" Time " charter for single voyage—War clause—Suez incident—Ship ordered into canal —Whether breach by charterers—Whether voyage frustrated.
The Eugenia, C.A. [1964] 2 Q.B. 226; [1964] 2 W.L.R. 114.

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Empresa Cubana de Fletes v. Aviation & Shipping Co. Ltd., Roskill J. [1969] 2 Lloyd's Rep. 257.

United States—Time charterparty—Vessel chartered to proceed to South Vietnam—Refusal of crew to sail—Unseaworthiness—Whether charterers entitled to cancel charterparty—Strike clause—U.S. Carriage of Goods by Sea Act, 1936 (46 U.S. Code, s. 1304), partly incorporated into charterparty.
The Marilena P., U.S. Ct. of Appeals [1969] 2 Lloyd's Rep. 641.

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The Andros Mentor, U.S. District Ct. [1970] 1 Lloyd's Rep. 145.

Collision

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Alteration of course—Collision in English Channel in deteriorating visibility—Both vessels admittedly at fault—Apportionment equally if " not possible to establish different degrees of fault "—Meaning—Maritime Conventions Act, 1911, s. 1 (1)—Collision Regulations, 1960, rr. 15, 16, 18, 19, 22, 23, 27, 29, annex.
The Anneliese, C.A. [1970] 2 All E.R. 29; [1970] 1 Lloyd's Rep. 355.

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——————————Partially consequent grounding of third ship — All three ships negligent—Individual assessment of liability of each vessel involved—" Fault "—Maritime Conventions Act, 1911, s. 1 (1).
The Miraflores and The Abadesa, C.A. [1966] P. 18; [1966] 2 W.L.R. 347.
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The Statue of Liberty, C.A. [1970] 2 Lloyd's Rep. 151.

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The Fortunity, Hewson J. [1961] 1 W.L.R. 351.

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The World Beauty, Willmer L.J. [1969] P. 12; [1968] 3 W.L.R. 929.
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Radar—Ascertainment of position of another vessel—Reliance on—Duty imposed by—Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1953. **The Sitala,** Hewson J. [1963] 1 W.L.R. 639.

———Excessive speed—Look-out—Failure to make proper use of radar—Alterations of course before sighting—Collision Regulations, 1965, rr. 15, 16, 27, 29, Annex.
The Linde, Brandon J. [1969] 2 Lloyd's Rep. 556.

————————————————Whether vessel was negligent in crossing channel, in fog, to anchor—Collision Regulations, 1960, rr. 16 (*c*) (*d*), 25 (*a*), 27. **The Marimar,** Cairns J. [1968] 2 Lloyd's Rep. 165.

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The Almizar, Karminski J. [1969] 1 Lloyd's Rep. 1.
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The Judith M., Brandon J. [1968] 2 Lloyd's Rep. 474.

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———Reliance on—Ascertainment of position of another vessel—Meaning of "ascertained"—Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1953.
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Joint liability of shipowners—Payment by one owner in excess of his proportion of liability—Right to recover excess from other owner in fault—Maritime Conventions Act, 1911, s. 3. **The Abadesa,** Hewson J. [1967] P. 265; [1966] 2 W.L.R. 478.

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The Ballylesson, Brandon J. [1968] 1 Lloyd's Rep. 69.

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The British Patrol, C.A. [1968] 1 Lloyd's Rep. 117.

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Canada—Collision in St. Lawrence River—Sheering of vessel due to bank suction—Displacement of leading lights—Whether navigation department negligent—Whether sinking of vessel due to collision—Liability of Crown.
The Hermes, Canada Exchequer Ct. [1969] 1 Lloyd's Rep. 425.

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Vessel turning out of channel—Whether vessel at fault in beginning and continuing turn with vessel approaching at excessive speed—Whether turning vessel in breach of Argentine Maritime and Fluvial Law, c. 38, arts. 1483 bis 1, 1471.
The Eland, Brandon J. [1969] 2 Lloyd's Rep. 328.

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Thames Launches Ltd. v. Trinity House Corpn. (Deptford Strond) (No. 2), Wilberforce J. [1962] Ch. 153; [1961] 3 W.L.R. 350.

Contract of carriage

Who may sue

Charterer original party to bill of lading—Damage to goods—Whether charterer may sue carrier though property had passed to consignee—Bills of Lading Act, 1885, s. 1.
Gardano and Giampieri v. Greek Petroleum George Mamidakis & Co., McNair J. [1962] 1 W.L.R. 40.

Crew

Accommodation

Scalding water from shower—Exposure to unnecessary risks—Breach of statutory duty—Whether servant should have tested water before entering shower—Merchant Shipping (Crew Accommodation) Regulations, 1953.
Foulder v. Canadian Pacific Steamships Ltd., Caulfield J. [1969] 1 All E.R. 283.

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Quotation by agents after being told dimensions of goods by customer—Goods of greater dimensions sent for shipment by customer—Whether quotation was for charges based on specific measurement—Liability of customer for increase in freight charges and expenses. **Brushfield Sargent & Co. Ltd. v. Holmwright Engineering Co. Ltd.,** Cooke J. [1968] 1 Lloyd's Rep. 439.

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United States—Claim by owners of cargo alleging short delivery—Whether process properly served on agents—Jurisdiction of court—Solicitation-plus rule—Whether agents transacting business in New York in person or by agent—New York CPLR, ss. 301, 302 (*a*) (1)—Federal Rules Civil Procedure 4 (*d*) (3).
The American Champion, U.S. District Ct. [1970] 1 Lloyd's Rep. 338.
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Freight. (*See also* **Charterparty.**)

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United States—Federal Maritime Commission—Carriers ordered to cancel rates as being unreasonably high and detrimental to commerce—To submit new rates and justify them on basis of "cost, value of service, or other transportation conditions"—Petition by carriers that commission acting ultra vires—Shipping Act, 1916, s. 18 (*b*) (5) (46 U.S. Code, s. 817 (*b*) (5)).
American Export-Isbrandtsen Lines Inc. v. Federal Maritime Commission, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 343.

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Canada

Mixing of pig-iron—Whether surveyor appointed under general average act becomes agent of carrier and/or cargo-owners—Whether carrier absolved from responsibility for cargo during general average operations.
The Oak Hill, Canada Exchequer Ct. [1970] 2 Lloyd's Rep. 332.

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Contribution

Expenditure incurred after vessel was beached due to taking heavy list—Hole in ballast tank—Whether vessel was seaworthy—Stability of vessel—Whether owners exercised due diligence. **The Aga,** Donaldson J. [1968] 1 Lloyd's Rep. 431.

United States—Cargo damaged by fire—Fire caused by " design or neglect of owner "—Counterclaim for general average contribution—Whether so entitled.
The Texas, U.S. District Ct. [1970] 1 Lloyd's Rep. 175.

Expense recoverable

Engagement of tugs upon United Kingdom Standard Towage Conditions—Onerous indemnity upon hirer—Whether liability arising out of towage contract an " expense " recoverable in general average—Remoteness—York/Antwerp Rules, 1950, rr. A, C.
Australian Coastal Shipping Commission v. Green, Mocatta J. [1970] 2 W.L.R. 1071.

Limitation of liability

" Actual fault or privity "

Collision due to negligent navigation of trawler—Forward visibility of helmsman restricted by forecastle—Duty on owners to ensure that there should be lookout on deck in addition to helmsman—Allegation that helmsman was unfit by reason of defective vision.
The Dayspring, Cairns J. [1968] 2 Lloyd's Rep. 204.

Meaning of—Radar—Navigational problems of—Duty of shipowners to appreciate -Duty of shipowners to ensure safe navigation in fog by masters—Standard of care of shipowners with ancillary shipping business—Breach of statutory regulations—Whether breach of itself " actual fault "—Merchant Shipping Act, 1894, s. 503—Collision Regulations (Ships and Seaplanes on the Water) and Signals of Distress (Ships) Order, 1953. **The The Lady Gwendolen,** Hewson J. [1965] P. 294; [1964] 3 W.L.R. 1062.
C.A. [1965] P. 294; [1965] 3 W.L.R. 91.

Collision

Crew—Action against vessel in which injury occurred—Loss of life—Action for damages by personal representative—Whether two-year limitation period applicable—Maritime Conventions Act, 1911, s. 8.
The Niceto de Larrinaga, Hewson J. [1966] P. 80; [1965] 3 W.L.R. 573.

Passenger—Loss of life—Action for damages by personal representative—Whether two-year limitation applicable—Whether Fatal Accidents Acts applicable—Whether, if applicable, period should be extended—Discretion of court—Maritime Conventions Act, 1911, s. 8—Law Reform (Limitation of Actions) Act, 1954, s. 3.
The Alnwick, Hewson J. and C.A. [1965] P. 357; [1965] 3 W.L.R. 118.

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Sterling equivalent of gold francs—Conversion factor changed between date of accident and date of assessment of limit—Rate of interest—Merchant Shipping (Limitation of Liability) (Sterling Equivalents) Order, 1958—Merchant Shipping (Limitation of Liability) (Sterling Equivalents) Order, 1967.
The Abadesa (No. 2), Karminski J. [1968] P. 656; [1968] 3 W.L.R. 492.

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The Mecca, Brandon J. [1968] P. 665; [1968] 3 W.L.R. 497.

Damage caused by discharge of crude oil from vessel

Vessel chartered under time charterparty—Time charterer's right to limit liability—46 U.S. Code, ss. 183–189.
The Torrey Canyon, U.S. Ct. of Appeals [1969] 2 Lloyd's Rep. 591.

Owner of ship acting as her master

Whether entitled to limit—" Person in his capacity as master "—Merchant Shipping Act, 1894, s. 503—Merchant Shipping (Liability of Shipowners and Others) Act, 1958, s. 3.
The Annie Hay, Brandon J. [1968] P. 341; [1968] 2 W.L.R. 353.

Salvage

Negligence of salvor's diver—Whether act of " person on board the ship "—Whether act in the " management of the ship "—Merchant Shipping Act, 1894, s. 503 (1)—Merchant Shipping (Liability of Shipowners and Others) Act, 1958, s. 2 (1).
The Tojo Maru, Willmer L.J. [1970] P. 21; [1969] 2 W.L.R. 594.
C.A. [1970] P. 21; [1969] 3 W.L.R. 902.

Tug and tow in collision

Different owners of tug and tow—Negligence by tug—Tow not negligent—Whether liability of tug based on tonnage of tug alone or of tug and tow—Merchant Shipping Act, 1894, s. 503—Merchant Shipping (Liability of Shipowners and Others) Act, 1958, s. 3.
The Bramley Moore, Cairns J. [1964] P. 200; [1963] 2 W.L.R. 1389.
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Limitation of liability—*continued.*

United States

Inexplicable loss of molten sulphur carrier with her crew and cargo—Vessel converted from all-welded T-2 tanker—Conversion approved by U.S. Coast Guard and American Bureau of Shipping—Alleged non-compliance with American Bureau of Shipping standards—Whether seaworthiness proved by owner and demise charterer—Privity or knowledge—Liability of conversion designer and time charterer—Whether owner/demise charterer negligent in exceeding optimum tonnage figure—Jones Act (46 U.S. Code, s. 688)—U.S. Carriage of Goods by Sea Act (46 U.S. Code, s. 1300).
The Marine Sulphur Queen, U.S. District Ct. [1970] 2 Lloyd's Rep. 285.

Plaintiff's vessel damaged when forced by defendant's vessel to leave channel to avoid collision—Casualty occurring without defendant's "privity or knowledge"—U.S. Limitation of Liability Act, 1964 (46 U.S. Code, ss. 183 (*a*), 186).
The G–H, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 430.

Vessel stranding on Santa Rosa Island—Loss of cargo—Master negligently failing to test fathometer—Defective radio direction-finder—Claim by shipowners to be exonerated from liability or to be entitled to limit liability—Unseaworthiness—"Privity or knowledge" of shipowners—Shipowners liable in full for lost cargo—U.S. Carriage of Goods by Sea Act, 1936 (46 U.S. Code, s. 1304)—U.S. Limitation of Liability Act, 1964 (46 U.S. Code, s. 183 (*a*)).
The Chickasaw, U.S. Ct. of Appeals [1970] 1 Lloyd's Rep. 437.

Wreck-raising

Wreck-raising expenses payable by sunken vessel to harbour authority—Whether "damage to" vessel includes more than physical damage—Whether "loss or damage . . . to property or rights"—Right of vessel at fault to limit liability for damages in respect of expenses—Merchant Shipping Act, 1894, s. 503—Merchant Shipping (Liability of Shipowners and Others) Act, 1900, s. 1.
The Arabert, Lord Merriman P. [1963] P. 102; [1961] 3 W.L.R. 215.

Wreck-raising expenses payable to waterway authority on basis of fault—Whether claim by waterway authority subject to limitation—Whether claim in damages—Merchant Shipping (Liability of Shipowners and Others) Act, 1958, s. 5.
The Putbus, Karminski J. [1969] P. 136; [1968] 3 W.L.R. 1003.
C.A. [1969] P. 136; [1969] 2 W.L.R. 1241.

Load line

Overloading

Commercial venture—No evidence of extent of increased earning capacity—Whether power to impose additional fine—Merchant Shipping (Safety and Load Line Conventions) Act, 1932, s. 44. **Rutberg v. Williams,** Divl.Ct. [1962] 1 Q.B. 12; [1961] 2 W.L.R. 958.

London Lighterage Clause

Seaworthiness

Exemption from liability for loss or damage due to unseaworthiness—Proviso that unseaworthy barge not "recklessly" supplied—Barge unseaworthy before service—No visible defects—Barge hired by suppliers—Reliance by suppliers on reputation and experience of owners—Whether clause applicable—Whether suppliers "recklessly supplied an unseaworthy barge . . . at the time of the commencement of the voyage"—"Recklessly." **Shawinigan Ltd. v. Vokins & Co. Ltd.,** Megaw J. [1961] 1 W.L.R. 1206.

Marine insurance. *See* INSURANCE.

Mortgage

Right of redemption

Default by mortgagor—Refusal by mortgagee to accept tender by mortgagor's agent of outstanding debt—Sale of vessel by mortgagee—Whether mortgagor wrongfully prevented from exercising right of redemption—Right of mortgagor to claim damages.
Fletcher v. City Marine Finance Ltd., Roskill J. [1968] 2 Lloyd's Rep. 520.

Mortgage of ship. *See* ADMIRALTY.

Oil pollution

Leakage during discharge

Australia—Pollution of waters by oil from ship—Whether "leakage" of oil from ship amounts to "discharge" of oil—Master's liability for not keeping proper watch during bunkering—Prevention of Pollution of Waters by Oil Act, 1960 (Western Australia), ss. 5, 6 (1) (*b*). **Nicholson v. Fremantle Port Authority,** W. Australian Supreme Ct. [1970] 1 Lloyd's Rep. 391.

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Repairs to ship

Contract

Agency—Whether agent (owner) so contracted that he was personally liable under contract. **The Swan,** Brandon J. [1968] 1 Lloyd's Rep. 5.

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Safe means of access

Lighting

Protection of openings—Boilermaker injured in fall through unguarded hatch opening in unlighted hatch—Whether means of access unlikely to be used by employees—Liability of shipowners and employers—Whether plaintiff contributorily negligent—Shipbuilding and Ship-repairing Regulations, 1960, regs. 6, 26, 69.
Mullard v. Ben Line Steamers Ltd., Crichton J. [1969] 2 Lloyd's Rep. 631.

Sale of ship. (*See also* ADMIRALTY; SALE OF GOODS.)

Deposit

Vessel sold by plaintiffs to first defendants under contract requiring payment of deposit into joint account of plaintiffs' agents and first defendants—Subsequent sale of vessel by first defendants to second defendants—Deposit paid into joint account in names of plaintiffs' agents and second defendants—Second contract cancelled because of late delivery of vessel—First contract wrongfully repudiated by first defendants—Claim by plaintiffs for release of deposit—Whether second defendants stakeholders of deposit.
The Ranger, Mocatta J. [1970] 1 Lloyd's Rep. 32.

" Subject to satisfactory running trials "

" Subject contract "—Whether binding agreement reached.
John Howard & Co. (Northern) Ltd. v. J. P. Knight Ltd., Megaw J. [1969] 1 Lloyd's Rep. 364.

" Subject to survey "

Whether a concluded contract—Whether dissatisfaction by buyers entitled them to withdraw from contract.
Astra Trust Ltd. v. Adams and Williams, Megaw J. [1969] 1 Lloyd's Rep. 81.

Salvage. *See* ADMIRALTY.

Seaman

Accommodation

Shower bath—Steward scalded in shower bath—Liability of shipowners—Whether breach of regulation causing injury gave civil remedy—Merchant Shipping (Crew Accommodation) Regulations, 1953, reg. 24 (3).
Foulder v. Canadian Pacific Steamships Ltd., Caulfield J. [1968] 2 Lloyd's Rep. 366.

Fishing boat

Continued wilful disobedience to lawful commands—Meaning of " commands "—Merchant Shipping Act, 1894, s. 376 (1) (*e*). **Page v. Williams,** Divl.Ct. [1965] 1 W.L.R. 16.

Seaworthiness. (*See also* **Bill of lading; Charterparty; London Lighterage Clause.**)

Canada

Loss of and damage to cargo (timber)—Stowage of cargo—Meaning of " perils of the sea "—Vessel's master not properly certificated—Liability of shipowner and/or charterer —Whether plaintiff's claim time-barred—Canadian Water Carriage of Goods Act, 1952, art. III, r. 6. **Charles Goodfellow Lumber Sales Ltd. v. Verreault,** Canada Exchequer Ct. [1968] 2 Lloyd's Rep. 383.

Stevedores

Damage to cargo

Liability of stevedores—Applicability of res ipsa loquitur doctrine—Effect of certificate by port warden that stow was proper—Whether stevedores protected by exemption clause in bill of lading. **Canadian General Electric Co. Ltd. v. The Lake Bosomtwe,** Canada Exchequer Ct. [1969] 1 Lloyd's Rep. 164.

Tug and towage

Contract

Exceptions clause—Whether so wide as to render contract a nullity.
The Tradesman, Karminski J. [1962] 1 W.L.R. 61.

Loss of tow

Breaking of towage gear—Master's reliance on weather forecasts—Claim by owners of tow in contract and negligence—Applicability of standard condition—Whether tugowner entitled to limit liability under Canada Shipping Act, R.S.C., 1952, s. 657.
McKenzie Barge & Derrick Co. Ltd. v. Rivtow Marine Ltd., Canada Exchequer Ct. [1968] 2 Lloyd's Rep. 505.

Sinking of tow

Claim against master of towing vessel—Whether master was negligent—Salvage—Loss of salved vessel—Liability where error of judgment by gratuitous salvor.
The West Bay III, Canada Exchequer Ct. [1969] 1 Lloyd's Rep. 158.

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National Defender.	**The National Defender,** U.S. District Ct. [1970] 1 Lloyd's Rep. 40.
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Nitinat.	**McKenzie Barge & Derrick Co. Ltd. v. Rivtow Marine Ltd.,** Canada Exchequer Ct. [1968] 2 Lloyd's Rep. 505.
Nordpol.	**The Nordpol,** Canada Exchequer Ct. [1970] 1 Lloyd's Rep. 170.
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Shemara.	**Docker v. Hyams,** Cross J. [1969] 1 Lloyd's Rep. 333.
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Vanquisher.	**The Hudson Light,** Brandon J. [1970] 1 Lloyd's Rep. 166.
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Wilfriede Klünder.	**The Aga,** Donaldson J. [1968] 1 Lloyd's Rep. 431.
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Woldingham Hill.	**Falconbridge Nickel Mines Ltd. v. Chimo Shipping Ltd.,** Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 277.
Woomera.	**The Woomera,** Macfarlan J. (New South Wales Supreme Ct.) [1968] 2 Lloyd's Rep. 271.
World Beauty.	**The World Beauty,** Willmer L.J. [1969] P. 12; [1968] 3 W.L.R. 929. C.A. [1970] P. 144; [1969] 3 W.L.R. 110.
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Yantlet.	**Spellar v. Port of London Authority,** Hinchcliffe J. [1969] 2 Lloyd's Rep. 362.
Yiannis.	**The Yiannis,** U.S. District Ct. [1970] 1 Lloyd's Rep. 346.
Zebroid.	**Foulder v. Canadian Pacific Steamships Ltd.,** Caulfield J. [1968] 2 Lloyd's Rep. 366.

SHOP. (*See also* LANDLORD AND TENANT; OFFICES, SHOPS, ETC., PREMISES; WORDS AND PHRASES.)

Definition

Market stall

Permanent stall—Tubular steel construction always in same place within area of town market—Daily carrying on of retail trade or business—Whether " premises where . . . retail trade or business . . . carried on "—Whether " shop "—Shops Act, 1912, s. 19 (1) —Pharmacy and Medicines Act, 1941, s. 17 (1).
Greenwood v. Whelan, Divl.Ct. [1967] 1 Q.B. 396; [1967] 2 W.L.R. 289.

Early closing

Mixed shop

Multiple store—Local order exempting classes of shops selling certain types of goods from early closing—Store kept open for sale of goods covered by exemption order—Other departments closed one half-day per week—Whether offence committed—Shops Act, 1950, ss. 1 (1) (4) (6), 13 (1).
Redbridge London Borough Council v. Wests (Ilford) Ltd., Divl.Ct. [1968] 1 Q.B. 789; [1968] 2 W.L.R. 145.

Supermarket—Local order providing for closing of " all shops . . . in which . . . the trades or businesses of . . . grocers . . . are carried on "—Notice to be exhibited when shop open for purposes of trade or business for which no closing hour fixed—Sale of grocery in supermarket after specified closing hour—Sale of goods not subject of order—Whether offence committed—Application of order to mixed shops—Shops Act, 1950, ss. 8 (1) (3), 13 (3). **Fine Fare Ltd. v. Aberdare Urban District Council,** Divl.Ct. [1965] 2 Q.B. 39; [1965] 2 W.L.R. 535.

New tenancy. *See* LANDLORD AND TENANT (**Business premises**).

SHOP—*continued.*
Sunday closing
Exempted transactions
Place of historic interest—" Reproductions "—" Souvenirs "—Sale in Piccadilly of gramophone record bearing label " Souvenir of London "—No particular association with town or place—Whether souvenir or reproduction—Shops Act, 1950, s. 47, Sch. 5, para. 1 (1).
Disci Ltd. v. Westminster City Council, D.C. (1968) 66 L.G.R. 639.
Mixed shop
Garage entitled to be open for the sale of motor supplies and accessories on Sunday—Cars displayed for sale—Manager answering inquiries relating to cars—Whether garage " open " for sale of cars—Whether isolated act of service sufficient—Whether repetition necessary—Shops Act, 1950, s. 47, Sch. 5, para. 1 (*h*).
Monaco Garage Ltd. v. Watford Borough Council, Divl.Ct. [1967] 1 W.L.R. 1069.
Serving of customers
Launderette—Coin-operated machines—Premises open and customers using machines on Sunday—Cleaner present—Machines restocked by director's wife—No other employee present—Whether a " shop open for the serving of customers "—Whether personal services rendered to customer—Shops Act, 1950, ss. 47, 74.
Ilford Corpn. v. Betterclean (Seven Kings) Ltd., Divl.Ct. [1965] 2 Q.B. 222; [1965] 2 W.L.R. 727.

Transaction mentioned in Shops Act, 1950, Sch. 5—Sale of touring caravans—Whether sale of " motor . . . accessories "—Shops Act, 1950, s. 47, Sch. 5, para. 1 (*h*).
Warley Caravans Ltd. v. Wakelin, D.C. (1968) 66 L.G.R. 534.

Time of opening and closing
Coffee bar
Closing hour fixed by local authority to prevent nuisance being caused to local residents—Doors locked at prescribed time—Food served to persons in street through open window of locked premises after permitted hours—Whether premises open for public refreshment—" Kept open "—Meaning of—Brighton Corporation Act, 1966, s. 7.
Rogers v. Dodd, Divl.Ct. [1968] 1 W.L.R. 548.

SIERRA LEONE
Constitution
Amendment
Protection from racial discrimination—Amendment of constitution restricting citizenship to persons " of negro African descent "—Whether " reasonably justifiable in a democratic society "—Validity—Sierra Leone Independence Act, 1961 (Public Notice No. 87 of 1961), s. 1, Sch. 2, para. 6—Sierra Leone (Constitution) Order in Council, 1961 (Public Notice No. 78 of 1961), Sch. 2, Chs. I, II, IV, ss. 1, 3, 23, 42, 43—Constitution (Amendment) (No. 2) Act, 1962 (No. 12 of 1962), ss. 1, 2, 3, 4—Constitution (Amendment) (No. 3) Act, 1962 (No. 39 of 1962). **Akar v. Attorney-General of Sierra Leone,** P.C. [1970] A.C. 853; [1969] 3 W.L.R. 970.

Validity
Colony—Protectorate—Act of British Parliament providing for joint independence—Order in Council providing for constitution of new independent state—Order made 13 days before day appointed for coming into force of Act of independence—To come into operation on appointed day—Validity—Whether " necessary for the peace, order, and good government of Her Majesty's subjects and others within any British settlement "—Whether jurisdiction to make declaration as to validity—British Settlements Act, 1887, s. 2—Sierra Leone Independence Act, 1961—Sierra Leone (Constitution) Order in Council, 1961.
Buck v. Attorney-General, Wilberforce J. [1965] Ch. 745; [1964] 3 W.L.R. 850.
C.A. [1965] Ch. 745; [1965] 2 W.L.R. 1033.
Crime
Majority verdict
Finding of guilty by two-thirds majority of jury accepted by court—Misdirection in summing up—Effect of acceptance of verdict on appeal—Jurors and Assessors Ordinance (Laws of Sierra Leone, 1960 Rev., c. 38), s. 27—Courts (Appeals) Ordinance, 1960, s. 20 (1), proviso. **Rakar v. The Queen,** P.C. [1967] 1 A.C. 241; [1966] 3 W.L.R. 986.
Mortgage
Equity of redemption
Mortgagee's death without foreclosure—Mortgagor's death without redeeming—Property ostensibly included in mortgagee's devise—Possession and collection of rents by mortgagee's executrix over many years—Gift of property by mortgagee's executrix—Claim by a devisee's heir against donees—Whether mortgagee a mortgagee in possession—Whether donees' title superior to claimant under devise.
Smith v. Walker, P.C. [1969] 2 A.C. 10; [1969] 2 W.L.R. 1195.

SIGNATURE. *See* AGENCY (**Contract**); WILL.
Housing
Notice to quit. *See* HOUSING.

Servant, by. *See* CROWN.

SINGAPORE. (*See also* MALAYSIA.)

Contract

Innocent misrepresentation

Partnership—No affirmation after discovery of innocent misrepresentation—Election to rescind—Transaction not a nullity—No total failure of consideration—No unreasonable delay—Restitutio in integrum substantially possible—Rescission timely, just and fair—Recovery of money paid under contract.
Senanayake v. Cheng, P.C. [1966] A.C. 63; [1965] 3 W.L.R. 715.

Crime

Murder

Culpable homicide—State of mind of the accused when firing shots at the deceased—Higher degree of certainty to justify conviction for murder—Lesser degree of certainty to justify conviction of culpable homicide—Whether summing-up was bad for misdirection—Accused guilty of culpable homicide on any view of the evidence—No substantial miscarriage of justice—Courts of Judicature Act, 1964 (Malaysia), s. 60 (1), proviso.
Chung Kum Moey v. Public Prosecutor for Singapore, P.C. [1967] 2 A.C. 173; [1967] 2 W.L.R. 657.

Immigration

Statutory provisions, contravention of

Presumption that mens rea an essential ingredient of every offence—Not displaced by words of statute or by subject-matter—Absence of " knowingly "—Maxim that " ignorance of the law is no excuse " inapplicable—Immigration Ordinance (Singapore), 1952 (as amended by Ordinance No. 12 of 1959), ss. 6 (2) (3), 9 (1) (3).
Lim Chin Aik v. The Queen, P.C. [1963] A.C. 160; [1963] 2 W.L.R. 42.

Landlord and tenant

Rent control

Possession—Tenant holding over after notice to quit—Excess rent received from subtenants—Whether liable to account for mesne profits as trespasser—Whether tenant's liability limited as " statutory tenant "—Control of Rent Ordinance, 1953, No. 22 of 1953 (Laws of Singapore, 1955 Rev., c. 242), ss. 14, 15 (1) (*g*), 27, 28.
Alwee Al-Junied v. Reshty, P.C. [1969] 2 A.C. 337; [1969] 2 W.L.R. 1202.

————Tenant's breach of law regulating building operations—Whether " knowingly " committed—Control of Rent Ordinance, 1953 (Laws of Singapore, 1955 Rev., c. 242), ss. 14, 15 (1) (*h*)—Municipal Ordinance (Laws of Singapore, 1955 Rev., c. 133), ss. 144 (1) (7) (11) (12), 392. **Cheong v. Oversea Chinese Banking Corpn. Ltd.,** P.C. [1969] 2 A.C. 139; [1969] 2 W.L.R. 1352.

Master and servant

Wrongful dismissal

Council employee—Rules with regard to recruitment, engagement and discipline of the staff—Whether providing scheme for general administration and guidance for departmental heads—Whether having statutory force—Whether proof that rules made pursuant to Municipal Ordinance necessary—Dismissal—Whether rules of natural justice applicable before dismissal—Report by departmental head to deputy president after inquiry attended by employee—Questions by deputy and answers by departmental head not shown to employee—Whether principle audi alteram partem applicable—Establishment committee hearing employee's appeal de novo—Whether curing any defect at previous stage of proceedings—Employee not attacking proceedings before committee—Whether conclusive against employee—Municipal Ordinance (Laws of the Straits Settlements, 1936 Rev., c. 133), s. 17 (1).
Pillai v. Singapore City Council, P.C. [1968] 1 W.L.R. 1278.

Mortgage

Registration

Judgment creditors prior registration—Priority in proceeds of sale—Registration of Deeds Ordinance, 1886 (Laws of Singapore, 1955 Rev., c. 255), ss. 2, 7 (2) (3).
Chung Khiaw Bank Ltd. v. United Overseas Bank Ltd., P.C. [1970] A.C. 767; [1970] 2 W.L.R. 858.

Passing off

Risk of confusion

Sweets—Get-up—Red paper wrappers with print in English—Foreign market conditions—Majority of customers unable to read English—Wrappers distinctive of and identified with plaintiffs' sweets—Whether wrapper design novel irrelevant.
White Hudson & Co. Ltd. v. Asian Organisation Ltd., P.C. [1964] 1 W.L.R. 1466.

Revenue

Income tax

Dividends—Payment to parent company by wholly-owned subsidiary—Part of statutory income of parent company for succeeding year—Income Tax Ordinance (Laws of Singapore, 1955 Rev., c. 166), ss. 10 (1) (*a*) (*d*), 35 (1) (7A), 44 (1) (2) (3) (4) (5) (as amended).
Sim Lim Investments Ltd. v. Attorney-General, Singapore, P.C. [1970] A.C. 923; [1970] 2 W.L.R. 336.

SINGAPORE—*continued.*

Solicitor

Discipline

Costs—Professional misconduct—Non-disclosure to client of taxed costs already recovered—Disciplinary committee—Failure to make specific charge against solicitor in respect of such non-disclosure—Finding of grossly improper conduct—Whether violation of the principle of natural justice—Acceptance of report by High Court—Power of court to hear the matter de novo—Motor Vehicles (Third-Party Risks and Compensation) Ordinance, No. 1 of 1960, s. 17 (2) (3)—Advocates and Solicitors Ordinance (Laws of Singapore, 1955 Rev., c. 188, Part III), ss. 25, 26, 27, 28, 29, 30.
Lau Liat Meng v. Disciplinary Committee, P.C. [1968] A.C. 391; [1967] 3 W.L.R. 877.

SMALL DWELLINGS. *See* Housing; Mortgage.

SOLICITOR

Articled clerk

Right to take

"In continuous practice as a solicitor for a period of five years"—Intervals during period not covered by practising certificate—Solicitors Act, 1957, s. 41 (1).
Adlam v. Law Society, Pennycuick J. [1968] 1 W.L.R. 6.

Terms of articles

Whether implied term that clerk should take Law Society examinations.
Lupton v. Potts, Plowman J. [1969] 1 W.L.R. 1749.

Authority

Entry of appearance

Internal trade union dispute—Authority of trustees—Separate defendants—Whether conflict of interest. **Keys v. Boulter,** C.A. [1970] 3 W.L.R. 1046.

Formal act

Whether maxim delegatus non potest delegare applicable.
Allam & Co. Ltd. v. Europa Poster Services Ltd., Buckley J. [1968] 1 W.L.R. 639.

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Gavaghan v. Edwards, C.A. [1961] 2 Q.B. 220; [1961] 2 W.L.R. 948.

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Landlord and tenant proceedings—Identity of lessee in doubt—Duty of lessee's solicitor to disclose identity to court and interested parties.
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Abraham v. Jutsun, C.A. [1963] 1 W.L.R. 658.

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Kaye v. Kaye, Divl.Ct. [1965] P. 100; [1964] 2 W.L.R. 672.

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Receipt of money for professional services—Defence of claim by plaintiff against solicitors' clients that all defendant's assets always had been plaintiff's—Issues in action still undetermined—Claim by plaintiff against solicitor for account and payment of money received from defendant—Averments in claim against defendant pleaded against solicitor admitting receipt and knowledge of averments against defendant—Question whether solicitor accountable to plaintiff on basis that averments against defendant established—Whether triable as preliminary issue. **Carl Zeiss Stiftung v. Herbert Smith & Co.**, C.A. [1969] 1 Ch. 93; [1968] 3 W.L.R. 281.

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In re **Trepca Mines Ltd. (No. 2)**, Pennycuick J. [1962] Ch. 511; [1962] 2 W.L.R. 800.
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Application by nominee of Law Society—Jurisdiction of court to make grant—Procedure—Supreme Court of Judicature (Consolidation) Act, 1925, s. 162 (as amended).
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McCoan v. General Medical Council, P.C. [1964] 1 W.L.R. 1107.

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Brown v. Inland Revenue Comrs., H.L.(Sc.) [1965] A.C. 244; [1964] 3 W.L.R. 511.

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Reggentin v. Beecholme Bakeries Ltd. (Note), C.A. [1968] 2 Q.B. 276.

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Paull J. [1969] 2 Q.B. 518; [1969] 2 W.L.R. 1173.
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J. H. Milner & Son v. Percy Bilton Ltd., Fenton Atkinson J. [1966] 1 W.L.R. 1582.

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International convention, as aid to

Only admissible to resolve ambiguities, if any, in domestic legislation—Statutory amendment—No ambiguity—Copyright Act, 1911, s. 6 (3)—Copyright Act, 1956, s. 20 (4).
Warwick Film Productions Ltd. v. Eisinger, Plowman J. [1969] 1 Ch. 508; [1967] 3 W.L.R. 1599.

Judicial precedent. See JUDICIAL PRECEDENT.

Jurisdiction. See CROWN (**Minister**).

Meaning of word

"Adapted" used disjunctively with "constructed"—"Adapted" used alone—Whether to be given same meaning—Whether meaning governed by context—Road Traffic Act, 1960. **Maddox v. Storer,** Divl.Ct. [1963] 1 Q.B. 451; [1962] 2 W.L.R. 958.

Definition in plain English of word or phrase—Whether necessary or wise for judge to attempt to improve on or re-define definition.
Reg. v. Calder & Boyars Ltd., C.A. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974.

Ordinary meaning to be applied—"House"—Housing Act, 1957, s. 165.
Josephine Trust Ltd. v. Champagne, C.A. [1963] 2 Q.B. 160; [1962] 3 W.L.R. 1077.

——————————Housing Act, 1961, s. 15 (1).
Okereke v. Brent London Borough Council, C.A. [1967] 1 Q.B. 42; [1966] 2 W.L.R. 169.

Racial legislation—Whether "person" includes company—Whether word used with consistency—Land Control Ordinance, s. 7—Crown Lands Ordinance, s. 188.
National & Grindlays Bank Ltd. v. Kentiles Ltd., P.C. [1966] 1 W.L.R. 348.

Statute prior to Interpretation Act, 1889—"Any person."
Penn-Texas Corpn. v. Murat Anstalt, C.A. [1964] 1 Q.B. 40; [1963] 2 W.L.R. 111.

Trade evidence—Context—"Fettling" of metal castings—Protection of Eyes Regulations, 1938, reg. 1, Sch. **Prophet v. Platt Brothers & Co. Ltd.,** C.A. [1961] 1 W.L.R. 1130.

"With"—Whether "directed towards" or "with the consent of"—Sexual Offences Act, 1956, s. 13. **Reg. v. Hall,** C.C.A. [1964] 1 Q.B. 273; [1963] 3 W.L.R. 482.

Mischief aimed at

Arrest without warrant—Person apparently committing an offence—Whether "committing an offence"—Road Traffic Act, 1960, s. 6 (4).
Wiltshire v. Barrett, C.A. [1966] 1 Q.B. 312; [1965] 2 W.L.R. 1195.

Dangerous drugs—Dangerous Drugs Act, 1964, s. 9 (1).
Yeandel v. Fisher, Divl.Ct. [1966] 1 Q.B. 440; [1965] 3 W.L.R. 1002.

Preamble—"Whereas offenders frequently escape conviction"—Criminal Procedure Act, 1851, s. 12. **Reg. v. Males,** C.C.A. [1962] 2 Q.B. 500; [1961] 3 W.L.R. 1297.

Private Act for prevention of nuisance—Coffee bars—Condition as to closing hours of premises "for use as coffee bar"—Purpose of condition—Service of food to persons in street through open window of locked premises after prescribed closing hour—Whether contravention of condition—Whether premises "kept open"—Brighton Corporation Act, 1966, s. 7. **Rogers v. Dodd,** Divl.Ct. [1968] 1 W.L.R. 548.

Whether legitimate to look at report of Commission to ascertain the evil or defect which the subsequent statute was intended to remedy.
Dullewe v. Dullewe, P.C. [1969] 2 A.C. 313; [1969] 2 W.L.R. 811.

Whether legitimate to look at report of committee preceding legislation.
Letang v. Cooper, C.A. [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573.

STATUTE—*continued.*

Construction—*continued.*

Object of Act

Effecting intentions of Parliament—Limitation Act, 1963, s. 3 (4).
Lucy v. W. T. Henleys Telegraph Works Co. Ltd., C.A. [1969] 3 W.L.R. 588.

Interrelation between statutes—Condition attached to planning permission—Same condition attached to site licence issued under later Act—Whether justices could vary condition on site licence—Whether operation of Act of 1960 confined to limits of Act of 1947—Town and Country Planning Act, 1947—Caravan Sites and Control of Development Act, 1960. **Reg. v. Kent Justices,** *Ex parte* **Crittenden,** Divl.Ct. [1964] 1 Q.B. 144; [1963] 2 W.L.R. 1124.

Methodist Conference—No power to alter clauses in deed defining "doctrinal standards"—Conference to be final authority concerning interpretation of "doctrines"—Conference resolution approving inauguration of proposals for union with Church of England—Whether ultra vires—Methodist Church Union Act, 1929, s. 8 (2) (6).
Barker v. O'Gorman, Megarry J. [1970] 3 W.L.R. 659.

Whether prevails over literal meaning—Companies Act, 1948, s. 326 (2).
Engineering Industry Training Board v. Samuel Talbot (Engineers) Ltd., C.A. [1969] 2 Q.B. 270; [1969] 2 W.L.R. 464.

Obscurity

Uncontrollable width of language—No reasonable meaning attributable to it—Finance Act, 1964, s. 7 (2). **Comrs. of Customs and Excise v. Top Ten Promotions Ltd.,** H.L.(E.) [1969] 1 W.L.R. 1163.

Penal Act

Ambiguity — Statutory income standstill — "Rate of remuneration paid" — Whether remuneration actually paid or contracted to be paid—Prices and Incomes Act, 1966, ss. 28 (2), 29 (4). **Allen v. Thorn Electrical Industries Ltd.,** C.A. [1968] 1 Q.B. 487; [1967] 3 W.L.R. 858.

Death penalty imposed—Whether affecting construction of enactment.
Mapolisa v. The Queen, P.C. [1965] A.C. 840; [1965] 2 W.L.R. 199.

Prohibited transaction—Substance of transaction—Exchange Control Act, 1947.
In re **H. P. C. Productions Ltd.,** Plowman J. [1962] Ch. 466; [1962] 2 W.L.R. 51.

Plural

Whether including singular—Company's articles of association—Provision for shares to be offered on death of member to other "members"—Whether including sole surviving member—Interpretation Act, 1889, s. 1.
Jarvis Motors (Harrow) Ltd. v. Carabott, Ungoed-Thomas J. [1964] 1 W.L.R. 1101.

——————Hong Kong—Statutory power to appoint "commissioners"—Appointment of sole commissioner—Validity—Commissioners Powers Ordinance (Laws of Hong Kong, 1950 Rev., c. 86, s. 2).
Sin Poh Amalgamated (H.K.) Ltd. v. Attorney-General of Hong Kong, P.C. [1965] 1 W.L.R. 62.

——————Shipping—Seaman's disobedience to "lawful commands"—Merchant Shipping Act, 1894, s. 376 (1) (*e*).
Page v. Williams, Divl.Ct. [1965] 1 W.L.R. 16.

Preamble. (*See also Mischief aimed at.*)

Effect on interpretation of Act—Public Order Act—Private quarrel.
Ward v. Holman, Divl.Ct. [1964] 2 Q.B. 580; [1964] 2 W.L.R. 1313.

Prerogative or executive acts contemplated

"Order"—To include acts of Government bringing into existence public documents to give effect to statute—Documentary Evidence Act, 1868, s. 2 (as amended).
Reg. v. Clarke, C.A. [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505.

Prior enactments

Similar words — Whether construction relevant in construing late Act — Workmen's Compensation Acts—National Insurance (Industrial Injuries) Act, 1946.
Reg. v. Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union (No. 2),** C.A. [1966] 2 Q.B. 31; [1966] 2 W.L.R. 97.

Private Act

Whether superseding General Act—Harbours, Docks, and Piers Clauses Act, 1847, s. 22—Wisbech Corporation Act, 1889, s. 30.
Garland & Flexman v. Wisbech Corpn., Diplock J. [1962] 1 Q.B. 151; [1961] 3 W.L.R. 755.

Public interest

Discretion—Rejection of construction unreasonable and contrary to public interest if other construction tenable—"The board shall have regard to the following matters"—Duty limited to regard for those matters leaving board with ultimate discretion—Wakf—Ceylon—Appointment of trustee—Muslim Mosques and Charitable Trusts or Wakfs (Amendment) Act (No. 21 of 1962), s. 14 (1). **Ishak v. Thowfeek,** P.C. [1968] 1 W.L.R. 1718.

STATUTE—*continued.*

Construction—*continued.*

Punctuation, cross-headings and side-notes

Weight to be given. **Reg. v. Schildkamp,** H.L.(E.) [1970] 2 W.L.R. 279.

Quasi-statute

Standard Industrial Classification—Effect of introduction on construction of classification. **Fisher-Bendix Ltd. v. Secretary of State for Employment and Productivity,** C.A. [1970] 1 W.L.R. 856.

——————————Whether same rules to apply. **C. Maurice & Co. Ltd. v. Minister of Labour,** H.L.(E.) [1969] 2 A.C. 346; [1969] 2 W.L.R. 797.

Regulations

Whether regulations under Act to be construed as contained in Act—Road Traffic Act, 1960, s. 64. **Rathbone v. Bundock,** Divl.Ct. [1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066.

Regulations under Act

Effect on construction of Act—Act and regulations coming into force on same day—Regulation modifying section—Whether legitimate to take into account when construing section. **Britt v. Buckinghamshire County Council,** C.A. [1964] 1 Q.B. 77; [1963] 2 W.L.R. 722.

Repeal

Introduction of parts of new Act into Act thereby repealed—Whether overriding inconsistent former provisions—Revenue—Eastern Africa—East African Income Tax (Management) Act, 1952, ss. 40, 72, 74, 78—East African Income Tax (Management) Act, 1958, ss. 101, 151, 152, Sch. 5, para. 1. **Rattan Singh v. Comr. of Income Tax,** P.C. [1967] 1 W.L.R. 625.

Revenue Act

Obscure—To be construed in favour of taxpayer. **Naranjee v. Income Tax Comr.,** P.C. [1964] A.C. 1238; [1964] 2 W.L.R. 1052.

Purchase tax—Certificate of registration—Provision for requirement that registered person make representations as being holder " only in such circumstances, and as respects such classes of goods, as the commissioners may from time to time direct "—Whether provision to be construed strictly against Crown—Whether penal provision—Whether provision for protection of subject—Purchase Tax Act, 1963, s. 6 (4) (*b*). **B. Marsh (Wholesale) Ltd. v. Comrs. of Customs and Excise,** Dunn J. [1970] 2 Q.B. 206; [1970] 2 W.L.R. 715.

Scottish and English Act

Scottish concept incorporated into English law—" Contingent liability "—Meaning—Finance Act, 1940, s. 50 (1). *In re* **Sutherland, decd.,** H.L.(E.) [1963] A.C. 235; [1961] 3 W.L.R. 1062.

Service of document

Handed by constable to wife—Whether served on husband—Meaning of " served "—Notice of intended prosecution. **Burt v. Kirkcaldy,** Divl.Ct. [1965] 1 W.L.R. 474.

Service of document by post

" Properly addressing "—Get right one—Interpretation Act, 1889, s. 26. **White v. Weston,** C.A. [1968] 2 Q.B. 647; [1968] 2 W.L.R. 1459.

Returned marked gone away—Whether service " deemed to be effected "—Compulsory purchase—Notice to treat—Housing Act, 1957—Interpretation Act, 1889, s. 26. **Hewitt v. Leicester Corpn.,** C.A. [1969] 1 W.L.R. 855.

Town planning — Enforcement notice — Town and Country Planning Act, 1962, s. 214 (1) (*c*). **Moody v. Godstone Rural District Council,** Divl.Ct. [1966] 1 W.L.R. 1085.

Side note

Cannot be used as aid to construction—Factories Act, 1937, s. 17. **Uddin v. Associated Portland Cement Manufacturers Ltd.,** McNair J. [1965] 2 Q.B. 15; [1965] 2 W.L.R. 327.

——————————Official Secrets Act, 1911, s. 1. **Chandler v. Director of Public Prosecutions,** H.L.(E.) [1964] A.C. 763; [1962] 3 W.L.R. 694.

Singular, whether including plural

Company Act—Compulsory acquisition of shares—" Transferee company "—Whether applicable to two companies jointly—Substance and tenor of Act—Interpretation Act, 1897 (N.S.W.), s. 21—Companies Act, 1961 (N.S.W.), s. 185. **Blue Metal Industries Ltd. v. Dilley,** P.C. [1970] A.C. 827; [1969] 3 W.L.R. 357.

Rent Acts—Protected tenant's dependant entitled to continue occupation after tenant's death—" Such member of the tenant's family "—Can it include two members? **Dealex Properties Ltd. v. Brooks,** C.A. [1966] 1 Q.B. 542; [1965] 2 W.L.R. 1241.

STATUTE—*continued.*

Construction—*continued.*

Subsequent enactment invoking remedy of earlier Act

Different procedures—Whether procedure of Act of 1838 or Act of 1957 applicable—Housing Act, 1957, ss. 158 (2), 166 (2) (*b*)—Small Tenements Recovery Act, 1838, s. 1.
Reg. v. Forest Justices, *Ex parte* **Dallaire,** Divl.Ct. [1962] 2 Q.B. 629; [1962] 2 W.L.R. 642.

Subsequent enactments

Earlier Act construed in light of wording of later—Purposes of Acts—Land Drainage Act, 1930, s. 34 (1) (4)—Land Drainage Act, 1961, s. 40 (1) (3).
Pattinson v. Finningley Internal Drainage Board, Bean J. [1970] 2 Q.B. 33; [1970] 2 W.L.R. 622.

Relevant in interpreting ambiguity in earlier Act—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 1 (1) (*f*). **Hall v. Hall,** Divl.Ct. [1962] 1 W.L.R. 478.

Whether relevant in interpreting earlier one—Acts forming statutory code—Where no ambiguity not permissible to have regard to subsequent enactment as aid to construction—Finance Act, 1953, s. 20—Finance Act, 1954, s. 18.
Davies v. Davies Jenkins & Co. Ltd., Stamp J. [1966] 1 W.L.R. 446. H.L.(E.) [1968] A.C. 1097; [1967] 2 W.L.R. 1139.

Title of Act

Long title irrelevant to construction of unambiguous section—Charitable Trusts (Validation) Act, 1954, s. 1 (1).
In re **Wykes, decd.,** Buckley J. [1961] Ch. 229; [1961] 2 W.L.R. 115.

Treaty. (*See also International convention.*)

Conflict with—Double taxation relief.
Inland Revenue Comrs. v. Collco Dealings Ltd., H.L.(E.) [1962] A.C. 1; [1961] 2 W.L.R. 401.
Woodend (K. V. Ceylon) Rubber and Tea Co. Ltd. v. Comr. of Inland Revenue, P.C. [1970] 3 W.L.R. 10.

Relevance of French text—Carriage by air—Warsaw Convention.
Corocraft Ltd. v. Pan American Airways Inc., Donaldson J. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 714.

Whether Act embodies principles of common law

Whether Act based on principle of comity of nations—Object of Act—Foreign Judgments (Reciprocal Enforcement) Act, 1933, ss. 1, 4.
Societe Cooperative Sidmetal v. Titan International Ltd., Widgery J. [1966] 1 Q.B. 828; [1965] 3 W.L.R. 847.

Workmen's compensation

Dependants' rights—Worker injured before but dying after amending legislation operative—Rights to be ascertained at date of death—Workers' Compensation Act, 1958 (Victoria), ss. 5, 9—Workers' Compensation (Amendment) Act, 1965 (Victoria), s. 5 (1).
Ogden Industries Pty. Ltd. v. Lucas, P.C. [1970] A.C. 113; [1969] 3 W.L.R. 75.

Wrong, profit by own

Statute not to be construed to enable person to profit by own wrong or breach of contract—Rejection of construction enabling employees to impair obligations of their own contracts—Trade Disputes Act, 1906, ss. 1, 3.
Rookes v. Barnard, Sachs J. [1963] 1 Q.B. 623; [1961] 3 W.L.R. 438.

Crown. *See* CROWN.

Dominion. *See* AUSTRALIA; CEYLON.

Extraterritorial effect

Tax Act

Effect on resident of Eire. **Inland Revenue Comrs. v. Collco Dealings Ltd.,** H.L.(E.) [1962] A.C. 1; [1961] 2 W.L.R. 401.

Local or private Act

Canal Act

Express provision that should be allowed as Public Act—Whether "local or private Act"—Public Health Act, 1848, s. 145.
Leigh Corpn. v. British Waterways Board, MacKenna J. (1969) 67 L.G.R. 341.

Parliament

Sovereignty

Mode of enactment—Non-compliance with constitutional legislative procedure—Ultra vires—Ceylon. **Bribery Comr. v. Ranasinghe,** P.C. [1965] A.C. 172; [1964] 2 W.L.R. 1301.

Repeal

Effect

Whether proceedings under statutory provisions of earlier Act—Companies Act, 1948, ss. 169 (4) (5), 170—Companies Act, 1967, s. 37.
Selangor United Rubber Estates Ltd. v. Cradock (No. 4), Ungoed-Thomas J. [1969] 1 W.L.R. 1773.

STATUTE—*continued.*

Repeal—*continued.*

Whether right accrued under repealed provisions

Insurance—Ceylon. **Free Lanka Insurance Co. Ltd. v. Ranasinghe,** P.C. [1964] A.C. 541; [1964] 2 W.L.R. 66.

Whether right acquired or accrued under repealed provisions

Landlord and tenant legislation—Rebuilding certificate—Right to have it determined whether certificate should be given—Not itself a right preserved by Interpretation Ordinance—Landlord and Tenant Ordinance (Hong Kong), 1947, c. 255 (as amended by Ordinances No. 22 of 1953 and No. 11 of 1954), ss. 3 (A)-(E)—Interpretation Act, 1889, s. 38—Interpretation Ordinance (Hong Kong), c. 1, s. 10.
Director of Public Works v. Ho Po Sang, P.C. [1961] A.C. 901; [1961] 3 W.L.R. 39.

Retroactive effect

Diplomatic immunity

Act limiting immunity to acts done in course of duty—Whether procedural—Effect on subsisting action stayed on ground of immunity—Diplomatic Privileges Act, 1964, art. 37.
Empson v. Smith, C.A. [1966] 1 Q.B. 426; [1965] 3 W.L.R. 380.

Divorce

Condonation—Resumption of cohabitation with view to effecting reconciliation—Events taking place before coming into force of Act—Petition heard after Act in force—Whether Act applies—Matrimonial Causes Act, 1963, s. 2 (1).
Herridge v. Herridge, C.A. [1965] 1 W.L.R. 1506.

Condonation of adultery by act of intercourse—New Act providing that presumption of condonation may be rebutted—Whether procedural matter—Matrimonial Causes Act, 1963, s. 1. **Blyth v. Blyth and Pugh,** C.A. [1965] P. 411; [1965] 3 W.L.R. 365.
H.L.(E.) [1966] A.C. 643; [1966] 2 W.L.R. 634.

Revival of condoned adultery—New Act providing adultery incapable of revival—Acts constituting revival occurring before passing of Act—Accrued right to seek divorce—Matrimonial Causes Act, 1963, s. 3.
Carson v. Carson and Stoyek, Scarman J. [1964] 1 W.L.R. 511.

Statute widening divorce jurisdiction of English courts—Widened recognition of decrees pronounced abroad—Whether foreign decree pronounced before change in English law validated—Law Reform (Miscellaneous Provisions) Act, 1949, s. 1.
Indyka v. Indyka, Latey J. [1967] P. 233; [1966] 2 W.L.R. 892.
C.A. [1967] P. 233; [1966] 3 W.L.R. 603.
H.L.(E.) [1969] 1 A.C. 33; [1967] 3 W.L.R. 510.

Order in Council

Act giving power to Crown in Council to alter or revoke Orders previously made—Whether conferring power to do so with retroactive effects—British Settlements Act, 1887, ss. 2, 5.
Sabally and N'Jie v. Attorney-General, C.A. [1965] 1 Q.B. 273; [1964] 3 W.L.R. 732.

Penal Act

Offence committed before Act in operation—Indictment signed after offence abolished—Whether statutory provisions for its indictment and punishment still in force—Accessory after the fact to felony—Criminal Law Act, 1967, ss. 1, 10, Sch. 3.
Reg. v. Fisher (Charles), C.A. [1969] 1 W.L.R. 8.

————————————————————Whether Act applicable—Crime—Receiving.
Reg. v. Reah, C.A. [1968] 1 W.L.R. 1508.

Offence committed before Act passed—Whether Act applicable—Road traffic—Power of disqualification. **Carter-Fea v. Graham,** Divl.Ct. (1964) 62 L.G.R. 279.

Penal and fiscal Act

Act imposing interest on tax lost owing to fraud or neglect—Finance Act, 1960, ss. 44, 58. **Reg. v. General Comrs. of Income Tax for Wallington,** *Ex parte* **Fysh,** Divl.Ct. (1962) 40 T.C. 225.

Machinery for recovery of retrospective tax lacking.
Wijesuriya v. Amit, P.C. [1966] A.C. 372; [1966] 2 W.L.R. 385.

Retrospective amending legislation

Whether amended provisions regarding wife's residence applicable—" Express provisions," meaning of—Applicability of provision not to arise by inference—Arising directly from language used—Indian and Pakistani Residents (Citizenship) Act, No. 3 of 1949 (as amended by Act No. 45 of 1952), ss. 5 (1), 6 (2) (ii), 22—Interpretation Ordinance (Legislative Enactments of Ceylon, 1938 Rev., c. 2), s. 6 (3) (*c*).
Shanmugam v. Comr. for Registration of Indian and Pakistani Residents, P.C. [1962] A.C. 515; [1962] 3 W.L.R. 200.

Validating legislation

Transport licensing legislation held invalid by judicial decision—Subsequent Act validating legislation in truncated form—Repealed Act validated from date of enactment to repeal—Transport Laws Validation Act, No. 24 of 1962 (Queensland), ss. 3, 4, 5.
Western Transport Pty. Ltd. v. Kropp, P.C. [1965] A.C. 914; [1964] 3 W.L.R. 1082.

STATUTE—*continued.*

Retroactive effect—*continued.*

Workmen's compensation

Silicosis—Disablement first manifested years after termination of employment—Statutory provisions, construction of—Injury due to nature of employment "at any time" before disablement—Employee entitled to compensation—Workers' Compensation Act, 1951 (Victoria) (No. 5601) (as amended by Act No. 5676 of 1953), ss. 5 (1), 12 (1).
Sunshine Porcelain Potteries Pty. Ltd. v. Nash, P.C. [1961] A.C. 27; [1961] 3 W.L.R. 727.

Validity

Bill recorded as "passed" by clerk of the House of Representatives

Whether inference that particular procedural requirements fulfilled.
Akar v. Attorney-General of Sierra Leone, P.C. [1970] A.C. 853; [1969] 3 W.L.R. 970.

STATUTORY DUTY. (*See also* BUILDING (**Safety regulations**); ELECTRICITY (**Regulations**); FACTORY; MINES; RAILWAY; STATUTORY POWER.)

Breach

Civil right, whether created

Minister paying compensation to landowner refused permission to develop—Compensation notice lodged in local land charges registry—Permission to develop subsequently granted—Search certificate omitting compensation notice signed by local land charges registrar issued to intending purchasers—Minister unable to recover compensation—Whether registrar in breach of statutory duty—Nature of duty—Whether absolute—Whether action maintainable by Ministry—Land Charges Act, 1925, s. 17 (1) (2) (3)—Local Land Charges Rules, 1934, r. 15 (1). **Ministry of Housing and Local Government v. Sharp,** Fisher J. [1970] 2 Q.B. 223; [1969] 3 W.L.R. 1020.
C.A. [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802.

Breach; causation. *See* CAUSATION.

Breach; contributory breach

Scaffold

Borrowed by workman with employer's authority—Collapsed due to latent defect injuring workman—Employer in breach of duty—Whether workman in breach—Whether scaffold "provided" by employer—Building (Safety, Health and Welfare) Regulations, 1948, regs. 5, 7. **Quinn v. J. W. Green (Painters) Ltd.,** C.A. [1966] 1 Q.B. 509; [1965] 3 W.L.R. 1301.

Breach; contributory negligence

Breach due to fault of person injured

Deceased not expert in respect of type of work in question—Cause of accident.
Ross v. Associated Portland Cement Manufacturers Ltd., H.L.(E.) [1964] 1 W.L.R. 768.

Scaffold—Workman injured as a result of own act—Task beyond competence of workman—Whether employer liable—Whether contributory negligence.
Byers v. Head Wrightson & Co. Ltd., Elwes J. [1961] 1 W.L.R. 961.

Young person—Cleaning moving part of machine—Failure to obey instructions—Whether fault co-extensive with employers' breach—Factories Act, 1961, s. 20.
Denyer v. Charles Skipper and East Ltd., C.A. [1970] 1 W.L.R. 1087.

Breach of regulations by employee

Failure to station person at base of ladder to prevent slipping—Whether breach co-extensive with employer's breach—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 29 (4).
McMath v. Rimmer Brothers (Liverpool) Ltd., C.A. [1962] 1 W.L.R. 1.

Breach of regulations by employee of subcontractor

Failure to use crawling-boards on asbestos roof—Work supervised by subcontractor's foreman—Whether breach co-extensive with contractor's breach—Building (Safety, Health and Welfare) Regulations, 1948, regs. 4, 31 (1).
Donaghey v. P. O'Brien & Co., C.A. [1966] 1 W.L.R. 1170.

Racial discrimination

Complaint of broadcasts inciting racial hatred—Whether individual suit maintainable without Attorney-General's consent—Race Relations Act, 1965, ss. 3, 6.
Thorne v. British Broadcasting Corpn., C.A. [1967] 1 W.L.R. 1104.

Volenti non fit injuria. *See* VOLENTI NON FIT INJURIA.

Civil right, whether created

Common law duty

Whether same principles apply—Contempt of court—Victimisation of witness.
Chapman v. Honig, C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Licensing authority

Malicious refusal to grant cinema licence—Ceylon.
David v. Abdul Cader, P.C. [1963] 1 W.L.R. 834.

STATUTORY DUTY—*continued.*

Civil right, whether created—*continued.*

Public street works

Duty to fence, guard and light open or broken-up street—Whether action lies at suit of injured member of public—Public Utilities Street Works Act, 1950, s. 8 (1).
Keating v. Elvan Reinforced Concrete Co. Ltd., C.A. [1968] 1 W.L.R. 722.

River board

Duty to maintain embankment—Commissioners "to duly maintain" embankments—No express provision for enforcement—Drainage rates payable by tenants—Devolution of duty on catchment board and subsequently on river board—Whether divestment of right to sue for damages for breach—Scarisbrick Estate Drainage Act, 1924, s. 16 (2)—Land Drainage Act, 1930, s. 12—River Boards Act, 1948, s. 22.
Sephton v. Lancashire River Board, Lawton J. [1962] 1 W.L.R. 623.

Road traffic

Parking in contravention of traffic sign—Causative effect on accident—Whether civil liability—Traffic Signs Regulations and General Directions, 1964, reg. 23 (2) (*a*).
Kelly v. W.R.N. Contracting Ltd., Ashworth J. [1968] 1 W.L.R. 921.

School

Duty to secure that design and construction of school premises "such that the safety and health of the occupants shall be reasonably assured"—Injury to pupil—Door panel glazed with thin glass—Whether duty absolute—Breach—Whether action maintainable by injured pupil—Education Act, 1944, s. 10—Standards for School Premises Regulations, 1959, reg. 51. **Reffell v. Surrey County Council,** Veale J. [1964] 1 W.L.R. 358.

Unlawful publication

Injured person no share in penalty—Whether for protection of a class—Right of member of class to injunction—Judicial Proceedings (Regulation of Reports) Act, 1926, s. 1 (1).
Argyll (Duchess) v. Argyll (Duke), Ungoed-Thomas J. [1967] Ch. 302; [1965] 2 W.L.R. 790.

Offence, whether created

Meaning of "offence"

No provision for penalty—Motor Vehicles (Construction and Use) Regulations, 1955, Part III, reg. 89—Road Traffic Act, 1960, s. 232 (1) (*a*).
Rathbone v. Bundock, Divl.Ct. [1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066.

STATUTORY INSTRUMENT

Retrospective

Legislative or procedural

Merchant Shipping (Limitation of Liability) (Sterling Equivalents) Order, 1958—Merchant Shipping (Limitation of Liability) (Sterling Equivalents) Order, 1967.
The Abadesa (No. 2), Karminski J. [1968] P. 656; [1968] 3 W.L.R. 492.

Validity

Whether ultra vires

Census—Order in Council—Form of return.
Turner v. Midgley, Divl.Ct. [1967] 1 W.L.R. 1247.

Discretion granted by statute—Made "absolute" by rule.
Ward v. James, C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

Industrial training levy—Hotel and catering industry—Order specifying "activities"—Inclusion of supply of main meals and lodgings by a members' club—Whether "activities of industry or commerce"—"Those activities"—Validity of order—Industrial Training Act, 1964, ss. 1 (1) (2), 4 (1)—Industrial Training (Hotel and Catering Board) Order, 1966. **Hotel and Catering Industry Training Board v. Automobile Proprietary Ltd.,** C.A. [1968] 1 W.L.R. 1526. H.L.(E.) [1969] 1 W.L.R. 697.

Local land charges—Statutory instrument purporting to apply provisions relating to certificates of search to compensation notices—Whether valid—Local Land Charges (Amendment) Rules, 1954, r. 2.
Ministry of Housing and Local Government v. Sharp, Fisher J. [1969] 3 W.L.R. 1020. C.A. [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802.

Making Crown servant own judge—Purchase tax regulation—Power to commissioners to make regulations providing for any matter for which provision "appears to them to be necessary"—Regulation that if incomplete return furnished commissioners "may . . . determine the amount of tax appearing to them to be due . . . and demand payment thereof"—Amount so determined "deemed to be the proper tax due . . ."—Finance (No. 2) Act, 1940, s. 33 (1)—Purchase Tax Regulations, 1945, reg. 12.
Comrs. of Customs and Excise v. Cure & Deeley Ltd., Sachs J. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798.

STATUTORY INSTRUMENT—*continued.*

Validity—*continued.*

Whether ultra vires—continued.

Power under statute to prescribe " all matters . . . required or authorised . . . or necessary and convenient to be prescribed " for carrying out or giving effect to Act—Power to make regulations " relating to . . . the manner of carrying out . . . excavation work " and " safeguards and measures to be taken for securing the safety . . . of persons engaged in . . . excavation work "—Regulation providing " every drive and tunnel shall be securely protected and made safe for persons employed therein "—Whether relating to " the manner of carrying out . . . excavation work "—Whether relating to " safeguards . . . for securing safety "—Whether regulation ancillary to or extending scope of Act—Australia (New South Wales)—Scaffolding and Lifts Act, 1912–1960 (N.S.W.), ss. 22 (1) (2) (*g*) (iv) (v)—Scaffolding and Lifts Regulations, reg. 98.
Utah Construction and Engineering Pty. Ltd. v. Pataky, P.C. [1966] A.C. 629; [1966] 2 W.L.R. 197.

Rule of Supreme Court—Rule relating to production of document when claim of Crown privilege—Crown privilege matter of substantive law—Powers of Rules Committee—R.S.C. (Rev. 1962), Ord. 24, r. 15.
In re **Grosvenor Hotel, London (No. 2)**, Ungoed-Thomas J. and C.A. [1965] Ch. 1210; [1964] 3 W.L.R. 992.

Rules made by Law Society's Disciplinary Committee—Solicitors' Accounts Rules, 1945, r. 11—Solicitors' Trust Accounts Rules, 1945, r. 11.
Parry-Jones v. Law Society, Buckley J. [1968] Ch. 195; [1967] 3 W.L.R. 1305.
C.A. [1969] 1 Ch. 1; [1968] 2 W.L.R. 397.

Rules of Supreme Court—Discretion to allow amendment of pleading after expiry of limitation period—Whether rule " regulating and prescribing the procedure . . . and the practice to be followed in the High Court "—Supreme Court of Judicature (Consolidation) Act, 1925, s. 99 (1) (*a*)—Limitation Act, 1939—R.S.C. (Rev. 1965), Ord. 6, r. 8; Ord. 20, r. 5. **Rodriguez v. R. J. Parker (Male)**, Nield J. [1967] 1 Q.B. 116; [1966] 3 W.L.R. 546.

Special powers for preserving peace and maintaining order—Minister's statutory power to make regulations—Regulation deeming " republican clubs " unlawful—Whether intra vires—Northern Ireland—Civil Authorities (Special Powers) Act (Northern Ireland), 1922, s. 1 (1) (3) (4), Sch.—Civil Authorities (Special Powers) Act Regulations (Northern Ireland), 1922, reg. 24A—Civil Authorities (Special Powers) Acts (Amending) (No. 1) Regulations (Northern Ireland), 1967, reg. 1.
McEldowney v. Forde, H.L. (N.I.) [1969] 3 W.L.R. 179.

Tax Act—Taxpayer's right of appeal—Whether rules of court derogating from—Kenya.
Vincenzini v. Regional Comr. of Income Tax, P.C. [1963] A.C. 459; [1963] 2 W.L.R. 429.

STATUTORY POWER

Condition, power to impose. (*See also* TOWN PLANNING (**Caravan site**).)

Whether condition ultra vires

Power to licence an illegal activity subject to conditions—Whether conditions must relate to illegal activity—Licensing justices—Public dancing, etc.
Whitehead v. Haines, Divl.Ct. [1965] 1 Q.B. 200; [1964] 3 W.L.R. 197.

Exercise

Unreasonable

Whether ultra vires—Conditions attached to caravan site licence—Object of Act.
Mixnam's Properties Ltd. v. Chertsey Urban District Council, C.A. [1964] 1 Q.B. 214; [1963] 3 W.L.R. 38.
H.L.(E.) [1965] A.C. 735; [1964] 2 W.L.R. 1210.

————————Condition of planning permission requiring road to be built and dedicated as highway without compensation.
Hall & Co. Ltd. v. Shoreham-by-Sea Urban District Council, C.A. [1964] 1 W.L.R. 240.

Whether ultra vires

Statutory powers of Transport Minister—Whether available to Minister as successor to statutory bodies having more limited powers—Light Railways Act, 1896, ss. 7, 24—Ministry of Transport Act, 1919, s. 2—Railways Act, 1921, s. 68.
Rother Valley Railway Co. Ltd. v. Ministry of Transport, Megarry J. [1970] 2 W.L.R. 1041.

Whether exercised for purpose for which Parliament granted power—" Regulating the movement of traffic "—Highways Act, 1959, s. 65 (1) (*a*) (*b*).
Birmingham and Midland Motor Omnibus Co. Ltd. v. Worcestershire County Council, Stamp J. and C.A. [1967] 1 W.L.R. 409.

STATUTORY TRIBUNAL. *See* TRIBUNAL.

STREET. *See* HIGHWAY; ROAD TRAFFIC.

STREET OFFENCES. *See* VAGRANCY.

STREET TRADING

Metropolis

Exposing food for sale

Employee not registered with local authority exposing food for sale—Employee's employer registered—Whether offence committed by employee—" By himself or by any person employed by him "—Middlesex County Council Act, 1950, s. 11 (1).
Brent London Borough Council v. Rossi, D.C. (1968) 66 L.G.R. 575.

Hawker

Licensed hawker selling ice cream from stationary motor van—Whether street trading—Whether hawking—" Hawker "—Hawkers Act, 1888, s. 2—London County Council (General Powers) Act, 1947, ss. 15 (1), 29, 30 (*a*).
Sidonio v. Turk, Divl.Ct. (1964) 62 L.G.R. 467.

Licence

Application for licence to sell 12 articles—Licence prescribing eight articles only—Whether trader " person aggrieved "—Whether " classes of articles "—London County Council (General Powers) Act, 1947, ss. 21 (5) (*b*), 25 (1).
Ferrant v. Stepney Borough Council, Divl.Ct. (1964) 62 L.G.R. 182.

Registration

Revocation

" Unsuitable to continue to be registered "—Minor offences—Continual flouting of meter zone regulations—Public detriment—Manchester Corporation Act, 1950, s. 61.
Manchester Corpn. v. Penson, D.C. [1970] 1 W.L.R. 204.

SUNDAY

Dies non

Proceedings on

Equitable jurisdiction—Ex parte injunction to protect person of infant—Order made by Queen's Bench judge in chambers on Sunday—Validity.
In re **N. (Infants),** Stamp J. [1967] Ch. 512; [1967] 2 W.L.R. 691.

Observance

Contract

Company entering into contract on Sunday—Validity—Whether company a " person " for purposes of Sunday Observance Act, 1677, s. 1—Interpretation Act, 1889, s. 2 (1).
Rolloswin Investments Ltd. v. Chromolit Portugal Cutelarias e Produtos Metalicos, S.A.R.L., Mocatta J. [1970] 1 W.L.R. 912.

Licensed premises

Music and dancing—No charge for admission—Whether jurisdiction to grant licence permitting music and dancing on Sundays—Sunday Observance Act, 1780, s. 1—Public Health Acts Amendment Act, 1890, s. 51.
Jeffrey v. Evans, Divl.Ct. [1964] 1 W.L.R. 505.

Opening in Wales and Monmouthshire—Whether costs of publicity campaign by brewers deductible for tax purposes—Wales and Monmouthshire.
Cooper v. Rhymney Breweries Ltd., Cross J. [1965] 1 W.L.R. 1378.

Shop. See SHOP.

TAIL. *See* ENTAILED INTEREST.

TAXATION. *See* COSTS; LEGAL AID; REVENUE.

TENANT FOR LIFE. *See* SETTLED LAND; SETTLEMENT.

TENANTS IN COMMON

Husband and wife

Property bought in husband's name

Purchase-money provided by both parties—Contract to sell by husband alone—No additional trustee appointed — Wife's consent to sale not obtained — Whether wife entitled to restrain husband from disposing of property.
Waller v. Waller, Stamp J. [1967] 1 W.L.R. 451.

Realty

Dwelling-house

Beneficiary under will entitled to undivided share in equity—Use and occupation by beneficiary without payment—Notice to quit—Whether executor entitled to possession and mesne profits. **Williams v. Holland,** C.A. [1965] 1 W.L.R. 739.

TENANTS IN COMMON—*continued.*

Realty—*continued.*

Dwelling-house—continued.

Direction for sale and division of proceeds among beneficiaries—Equitable tenants in common—Beneficiary residing in house—Claim for possession—Law of Property Act, 1925, s. 30. **Barclay** *v.* **Barclay,** C.A. [1970] 2 Q.B. 677; [1970] 3 W.L.R. 82.

TIME, COMPUTATION OF

Commencement of statute

Whether day of commencement to be included in time running thereafter

Two-month period "beginning with the commencement of this Act"—Caravan Sites and Control of Development Act, 1960, ss. 14, 50 (4).
Hare v. Gocher, Divl.Ct. [1962] 2 Q.B. 641; [1962] 3 W.L.R. 339.

Demurrage. *See* SHIPPING (**Charterparty**).

Insurance

Period of risk

Commencement of risk at 11.45 a.m. on December 2—Valid "for 15 days from date of commencement"—Meaning of "from"—Accident at 5.45 p.m. on December 17—Motor vehicle insurance. **Cartwright v. MacCormack (Trafalgar Insurance Co. Ltd. Third Party),** C.A. [1963] 1 W.L.R. 18.

Limitation of action. *See* LIMITATION OF ACTION.

"Month"

Lunar or calendar

Will—Law of Property Act. 1925, s. 61 (*a*).
In re **Figgis, decd.,** Megarry J. [1969] 1 Ch. 123; [1968] 2 W.L.R. 1173.

Period within which an act may be done

New tenancy of business premises

Three years "from" May 1, 1963—Rent payable in advance, first payment on May 1, 1963—Notice terminating tenancy on April 30, 1966—Validity of notice—Landlord and Tenant Act, 1954, s. 25 (4).
Ladyman v. Wirral Estates Ltd., Fisher J. [1968] 2 All E.R. 197.

Rent

Payable on quarter day

Death of tenant on quarter day—Whether payable before or after death.
In re **Aspinall, decd.,** Buckley J. [1961] Ch. 526; [1961] 3 W.L.R. 235.

Service of writ

Within 12 months "beginning with date of issue"

"Date"—Meaning. **Trow v. Ind Coope (West Midlands) Ltd.,** C.A. [1967] 2 Q.B. 899; [1967] 3 W.L.R. 633.

TORT

New tort

Contempt of court

Whether a tort—Whether crime tort.
Chapman v. Honig, C.A. [1963] 2 Q.B. 502; [1963] 3 W.L.R. 19.

Personal duty

Concept of

"Actual fault or privity"—Shipping—Company.
The The Lady Gwendolen, C.A. [1965] P. 294; [1965] 3 W.L.R. 91.

TOWAGE. *See* SHIPPING.

TOWN PLANNING. (*See also* COMPULSORY PURCHASE.)

Advertisements, control of

Permitted display

"Advertisements . . . on business premises"—"Building"—Sign erected on grass verge of forecourt of business premises—Grass verge within curtilage of building—Whether sign displayed on building—Whether protected if erected on forecourt—Town and Country Planning (Control of Advertisements) Regulations, 1960, regs. 2, 5 (1), 12 (1) (3) (*a*). **Jones v. Merioneth County Council,** D.C. (1969) 67 L.G.R. 203.

TOWN PLANNING—*continued.*

Agreement regulating use of land

Caravan site

Existing use rights—Agreement restricting number of caravans on site—Agreement subject to "present or future rights of whatever nature" under Town and Country Planning Act, 1947, any amendment thereof or "otherwise howsoever"—Application for site licence—Existing use rights on part of land—Planning permission subject to conditions affecting other party only—Site licence permitting greater number of vans than under agreement—Whether planning permission and site licence "rights" within agreement—Whether owners entitled to use land in accordance with permission and licence—Town and Country Planning Act, 1947, ss. 25, 36—Caravan Sites and Control of Development Act, 1960, s. 17. **Crittenden (Warren Park) Ltd. v. Surrey County Council,** Ungoed-Thomas J. [1966] 1 W.L.R. 25.

Sports ground

Covenant by planning authority restricting right of compulsory purchase on terms as to use of land with release of claim for compensation if land acquired—Whether covenant enforceable—Whether whole contract unenforceable. **Triggs v. Staines Urban District Council,** Cross J. [1969] 1 Ch. 10; [1968] 2 W.L.R. 1433.

Amenity, injury to

Condition of open land

Second-hand car business carried on on open land in rural area—Unauthorised development—Agricultural land covered with broken-down vehicles and component parts—Whether local planning authority entitled to require termination of use in order to abate injury to amenity—"Condition" of land—Meaning of—Whether "condition" apt to describe state of land resulting from use—Town and Country Planning Act, 1947, s. 33 (1) (2)—Town and Country Planning (General) Regulations, 1948, reg. 7 (2) (*b*). **Britt v. Buckinghamshire County Council,** C.A. [1964] 1 Q.B. 77; [1963] 2 W.L.R. 722.

Appeal

Procedure

Jurisdiction—Order made by local planning authority before commencement of new Act and confirmed with modifications by Minister after commencement of new Act—New Act altering form of procedure on appeal from Minister's decision—Whether "order made" referring to order subject to confirmation or order as confirmed—Whether jurisdiction in High Court to hear appeal by way of new procedure—Town and Country Planning Act, 1959, s. 31. **Iveagh v. Minister of Housing and Local Government,** C.A. [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974.

Appeal from Minister

"Findings of fact"

Whether principal material facts—Jurisdiction of court proofs of evidence at inquiry to determine facts on which inspector should express conclusion—Green belt—Infringement of amenities—Refusal of planning permission because of applicant's infringement—Other local infringements—Whether relevant—Town and Country Planning Act, 1962, s. 179 (1) (3) (7)—Town and Country Planning (Inquiries Procedure) Rules, 1965, r. 12 (1). **Continental Sprays Ltd. v. Minister of Housing and Local Government,** Megaw J. (1969) 67 L.G.R. 147.

Fresh evidence

Appeal on point of law—Dismissal by minister of appeal against enforcement notice—Minister's decision based on inspector's finding of fact—Fresh evidence casting doubt on inspector's finding of fact—Jurisdiction of court to receive—R.S.C. (Rev. 1965), Ords. 55, 94—Town and Country Planning Act, 1962, s. 180 (1). **Green v. Minister of Housing and Local Government,** Divl.Ct. [1967] 2 Q.B. 606; [1967] 2 W.L.R. 192.

Appeal to Minister

Inspector's inquiry

Evidence—Letter admitted as evidence—Untested by cross-examination—Whether contrary to natural justice. **T. A. Miller Ltd. v. Minister of Housing and Local Government,** D.C. (1967) 66 L.G.R. 285; C.A. [1968] 1 W.L.R. 992.

Minister's discretion

Appeal from refusal of planning permission on grounds of prejudice to future road widening—No improvement or building line prescribed by local authority under Highways Act, 1959—Minister dismissing appeal so that no compensation payable under Act of 1959—Necessity for Minister to identify factors considered in exercise of discretion—Whether misdirection by Minister—Whether Minister's action ultra vires Town and Country Planning Act, 1962—Town and Country Planning Act, 1962, ss. 13 (1), 179 (4) (*b*), 220—Town and Country Planning (Inquiries Procedure) Rules, 1965, r. 13. **Westminster Bank Ltd. v. Beverley Borough Council,** Donaldson J. [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080. C.A. [1969] 1 Q.B. 499; [1968] 3 W.L.R. 671. H.L.(E.) [1970] 2 W.L.R. 645.

TOWN PLANNING—*continued.*

Appeal to Minister—*continued.*

Minister's discretion—continued.

Radio telescope—Jodrell Bank area—Planning authority's agreement to discourage development within area—Agreement invalid—Refusal of planning application—Whether refusal void—Minister's policy to discourage development—Minister's powers on appeal—Whether Minister exercised his discretion—Town and Country Planning Act, 1962, ss. 17 (1), 23 (4). **Stringer v. Minister of Housing and Local Government,** Cooke J. [1970] 1 W.L.R. 1281.

Reasons for decision

Nature of letter — Incorporation by reference of inspectors's conclusions — Obscurity of reasons and doubt about matters considered or not by Minister—Whether adequate notification of Minister's decision and "reasons therefor"—Tribunals and Inquiries Act, 1958, s. 7A—Town and Country Planning Appeals (Inquiries Procedure) Rules, 1962, r. 11 (1). **Givaudan & Co. Ltd. v. Minister of Housing and Local Government,** Megaw J. [1967] 1 W.L.R. 250.

Building preservation order

"Ecclesiastical building"

Rectory—Town and Country Planning Act, 1962, s. 30 (2) (*a*).
Phillips v. Minister of Housing and Local Government,
Roskill J. [1965] 1 Q.B. 156; [1964] 2 W.L.R. 1.
C.A. [1965] 1 Q.B. 156; [1964] 3 W.L.R. 378.

Enforcement

Structural alteration carried out in London Square subject to preservation order—Enforcement notice requiring building to be restored to original condition—Appeal to Minister—Minister's decision that consent to alteration undesirable precedent and would necessitate raising of adjoining chimney stacks under by-law—Appeal dismissed "for both these reasons"—Whether reasons separate or cumulative—Validity—Town and Country Planning Act, 1962, ss. 45, 180, 223, Sch. 14.
Paultons Square Properties Ltd. v. London County Council,
Divl.Ct. (1965) 63 L.G.R. 158.

Fixtures

Panelling and decorative items affixed or annexed to building as part of architectural scheme—Whether part of building—Whether restriction on removal intra vires—Town and Country Planning Act, 1962, s. 30.
Corthorn Land & Timber Co. Ltd. v. Minister of Housing and Local Government,
Russell L.J. (1965) 63 L.G.R. 490.

Provisional confirmation

Confirmation of order after more than two months—Order relating to house—Demolition of house after order confirmed—Whether remaining valid—"Cease to have effect"—Whether order in force when demolition works executed—Town and Country Planning Act, 1962, ss. 30 (3), 31 (2), 62 (3). **Cass v. Platford,** D.C. (1968) 67 L.G.R. 283.

"Special architectural or historic interest"

Houses forming part of square—Minister "considers . . . character of . . . square . . . impaired by . . . destruction of" buildings—Minister satisfied that buildings "in their context" of architectural and historic interest—Confirmation of order by Minister—Whether buildings may be considered in relation to surrounding buildings—Relevance of effect of demolition on surrounding buildings—Town and Country Planning Act, 1947, s. 29. **Iveagh v. Minister of Housing and Local Government,**
Megaw J. [1962] 2 Q.B. 147; [1961] 3 W.L.R. 708.
C.A. [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974; 62 L.G.R. 32.

Caravan site

Application for planning permission

No mention of caravans on application—Plan accompanying application showing area as "camping site" with caravan—Permission to develop in accordance with application and plans—Whether permission relating to whole or part of site—Whether "deemed permission" to use as caravan site—Application for site licence—Subsequent further applications for planning permission and site licence—Whether first application abandoned—Whether allegation in enforcement notice of increase from one to four caravans one of material change of use—Caravan Sites and Control of Development Act, 1960, s. 17 (1) (3)—Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950, art. 5 (8).
James v. Minister of Housing and Local Government, Divl.Ct. (1965) 63 L.G.R. 269.
C.A. [1966] 1 W.L.R. 135.
H.L.(E.) [1968] A.C. 409; [1967] 1 W.L.R. 171.

TOWN PLANNING—*continued.*

Caravan site—*continued.*

Conditions of licence

Condition imposed by local authority—Appeal to justices—Whether condition "unduly burdensome"—Proof—Caravan Sites and Control of Development Act, 1960, s. 7 (1).
Owen Cooper Estates v. Lexden and Winstree Rural District Council, Divl.Ct. (1964) 63 L.G.R. 66.

————————————Harsher condition than in Model Standards—Whether "unduly burdensome"—Whether ground of appeal against substitutional condition—Caravan Sites and Control of Development Act, 1960, ss. 7 (1), 8 (2).
Llanfyllin Rural District Council v. Holland, Divl.Ct. (1964) 62 L.G.R. 459.

Existing site—Licence condition that site be "kept free of unauthorised structures and tents"—Allegation that existing use rights for tents—No evidence of number of tents previously on site or occasions or periods when there—Burden of proof—Whether condition ambiguous—Validity—Uncertainty—Caravan Sites and Control of Development Act, 1960, ss. 5, 17. **Carnall v. Jones,** Divl.Ct. (1966) 65 L.G.R. 217.

Existing use rights—Application for site licence—Permission subject to conditions specifically limiting number of caravans on site—Whether derogating from existing rights—Whether conditions valid—Meaning of "caravan site"—Dismissal by Minister of appeal against conditions—Effect of order quashing Minister's decision—Town and Country Planning Act, 1959, s. 31 (6)—Caravan Sites and Control of Development Act, 1960, ss. 1 (4), 17 (2). **Hartnell v. Minister of Housing and Local Government,**
Sachs J. [1963] 1 W.L.R. 1141.
C.A. [1964] 2 Q.B. 510; [1964] 2 W.L.R. 425.
H.L.(E.) [1965] A.C. 1134; [1965] 2 W.L.R. 474.

———————Deemed grant of unconditional planning permission—Issue of site licence subject to condition limiting number of caravans below permitted model standards—Reduction of value of land—Whether condition "unduly burdensome"—Whether question of fact for justices—Power of local authority to cut down existing rights without payment of compensation—Limits of power to impose conditions in site licence—Whether local authority may take planning considerations into account—Whether confined to site considerations—Whether overlap of factors taken into account by planning authority and local authority—Caravan Sites and Control of Development Act, 1960, ss. 5 (1) (*a*) (6), 7, 17. **Esdell Caravan Parks Ltd. v. Hemel Hempstead Rural District Council,** Divl.Ct. and C.A. [1966] 1 Q.B. 895; [1965] 3 W.L.R. 1238.

Limitation on local authority's power to impose—Site licence issued subject to "conditions of tenancy" relating, inter alia, to site rents and security of tenure of caravan dwellers—Whether ultra vires—Whether reasonable—Whether void for uncertainty—Caravan Sites and Control of Development Act, 1960, s. 5 (1).
Mixnam's Properties Ltd. v. Chertsey Urban District Council,
C.A. [1964] 1 Q.B. 214; [1963] 3 W.L.R. 38.
H.L.(E.) [1965] A. C. 735; [1964] 2 W.L.R. 1210.

No appeal against conditions—Subsequent application to vary refused—Whether refusal appealable—"Application"—"Those conditions"—Caravan Sites and Control of Development Act, 1960, s. 8 (2).
Peters v. Yiewsley and West Drayton Urban District Council, Divl.Ct. [1963] 2 Q.B. 133; [1963] 2 W.L.R. 702.

Power of local authority to impose conditions—Whether limited to conditions relating to town and country planning—Whether conditions relating to caravan tenancies ultra vires—Caravan Sites and Control of Development Act, 1960, s. 5 (1).
Mixnam's Properties Ltd. v. Chertsey Urban District Council, Ormerod L.J. (1963) 61 L.G.R. 261.

Whether limited by planning permission — Planning permission subject to condition — Site licence issued with same condition—Whether justices jurisdiction to vary condition in site licence—Town and Country Planning Act, 1947—Caravan Sites and Control of Development Act, 1960, ss. 3, 5, 7, 17, 29 (4).
Reg. v. Kent Justices, *Ex parte* **Crittenden,** Divl.Ct. [1964] 1 Q.B. 144; [1963] 2 W.L.R. 1124.

Deemed grant of planning permission

Six months' delay by authority—Discontinuance order subsequently made—Whether discontinuance order valid—Town and Country Planning Act, 1947, s. 26 (1)—Caravan Sites and Control of Development Act, 1960, s. 17.
Stumbke v. Minister of Housing and Local Government, Russell L.J. (1964) 62 L.G.R. 508.

TOWN PLANNING—*continued.*

Caravan site—*continued.*

Enforcement notice

Validity—Caravans stationed on site on March 29, 1960—Notices in respect of each caravan addressed to occupants—Copies of notices served on owners of land—Each notice referring to whole area of land and requiring removal of caravans from land—Whether notice making clear complaint and requirement—Whether valid notice served on "owner" and "occupier"—Whether caravan dwellers "occupiers"—Owner of land thrice convicted in criminal proceedings for contravention of notice held by magistrates to be valid—Civil proceedings by owner to challenge validity of notice—Question of law determining property rights—Whether discretionary relief by declaration available—Caravan Sites and Control of Development Act, 1960, ss. 1 (3), 17 (3).
Munnich v. Godstone Rural District Council, C.A. [1966] 1 W.L.R. 427.

"*Existing site*"

Application for licence made within two months—Licence not issued—Prosecution for permitting site to be used for caravans without site licence—Finding by justices that whole site an "existing site"—Licence granted in respect of part of site—Use of whole site for caravans—Further prosecution—Effect of previous decision—Whether prosecution estopped from leading evidence to show whole site not "existing site"—Whether defendant entitled to plead autrefois acquit—Caravan Sites and Control of Development Act, 1960, ss. 13 (1) (*a*), 14. **Dudley v. Morel,** Divl.Ct. (1963) 61 L.G.R. 538.

Single caravan on land for more than four years—Land consisting mainly of sand and scrub—Application for site licence for whole parcel of land—Enforcement notice served after expiration of statutory six months' period—Notice quashed by Minister—Whether deemed planning permission attached to whole parcel of land—Whether to "existing site" only—Whether whole land "caravan site"—Whether Minister's decision to quash bound council to grant licence for whole parcel of land—Caravan Sites and Control of Development Act, 1960, ss. 1 (4), 13 (*a*), 17 (3).
Reg. v. Axbridge Rural District Council, *Ex parte* **Wormald,** C.A. [1964] 1 W.L.R. 442.

Undivided parcel of land—Part of land an "existing site"—Caravans placed on different part of land before commencement of Act of 1960—Application for site in respect of whole parcel of land—No steps taken within six months' period—Enforcement notice requiring removal of new caravans—Whether parcel of land indivisible unit—Whether deemed planning permission attached to whole parcel of land—Whether to existing site only—Caravan Sites and Control of Development Act, 1960, ss. 13 (*a*), 17 (1) (2) (3).
Williams-Denton v. Watford Rural District Council, Divl.Ct. (1963) 61 L.G.R. 423.

"Used as a caravan site"—Meaning—Previous user sporadic and seasonal—No defined site on which caravans stationed—Development as caravan site in 1960—Work carried out on part of site before March 9, 1960—No caravan on site on that date—Seasonal use of site—Whether use discontinued when caravans removed at end of season—"In use"—Failure to prove whole site an existing site—Whether legitimate to seek declaration that lesser area an existing site—Caravan Sites and Control of Development Act, 1960, ss. 1, 13 (*a*), 17. **Biss v. Smallburgh Rural District Council,**
Ungoed-Thomas J. [1963] 1 W.L.R. 1155.
C.A. [1965] Ch. 335; [1964] 3 W.L.R. 88.

Meaning

Caravans stored on land in winter—Whether incidental to the use of the site for human habitation—Caravan Sites and Control of Development Act, 1960, ss. 1 (4), 29, 30 (1), 33 (1) (*a*). **Devonshire County Council v. Horton,** Divl.Ct. (1963) 61 L.G.R. 60.

"*Permitting*" *unlicensed use*

Occupier of land living in caravan—Whether causing use—"Permit"—"Cause"—Caravan Sites and Control of Development Act, 1960, s. 1 (1).
Waddell v. Winter, Divl.Ct. (1967) 65 L.G.R. 370.

Special agreement

Restricting number of caravans on site—Effect.
Crittenden (Warren Park) Ltd. v. Surrey County Council,
Ungoed-Thomas J. [1966] 1 W.L.R. 25.

Validity of site licence

Application undetermined within two months—Subsequent application for licence—Grant of licence—Whether invalid—Caravan Sites and Control of Development Act, 1960, s. 3 (4). **Rees v. James,** Divl.Ct. (1963) 61 L.G.R. 318.

Compensation

Quantum

Evidence—Discontinuance—Assessment of compensation—Caravan site with existing user rights—Evidence of valuation by district valuer—"Without prejudice" offer by district valuer on compensating authorities' behalf—Whether admissible—Whether consideration to be given to difficulty of a purchaser in establishing existing user rights.
Blow v. Norfolk County Council, C.A. [1967] 1 W.L.R. 1280.

TOWN PLANNING—*continued.*

Compensation—*continued.*

Settled land

Sales of land between 1947 and 1954—Whether interest accruing—Payments made after death of life tenant—Whether interest apportionable—" Accrue "—Town and Country Planning Act, 1947, s. 65 (3)—Town and Country Planning Act, 1954, ss. 1, 14 (1).
In re **Sneyd, decd.**, Pennycuick J. [1961] 1 W.L.R. 575.

Compulsory purchase

Comprehensive development plan

Freeholders desiring to redevelop—Duty of authority to give opportunity " so far as may be practicable " to obtain accommodation—Allegation that " practicable " to give opportunity—Matter not raised at inquiry—Whether matter court may consider—Effect " on terms settled with due regard to the price at which such land is being acquired from them "—Town and Country Planning Act, 1962, s. 78 (7).
A. Crabtree & Co. Ltd. v. Minister of Housing and Local Government, Paull J. (1965) 64 L.G.R. 104.

War damaged property planned for residential redevelopment—Unification of all ownerships—Public inquiry—Inspector's recommendation for compulsory purchase confirmed by Minister—Objector's legal submission omitted from inspector's report—Effect—Whether objector's interests prejudiced—Whether ultra vires—Town and Country Planning Act, 1962, ss. 68, 78 (7), 86 (1)—Compulsory Purchase by Local Authorities (Inquiries Procedure) Rules, 1962, r. 9 (1).
A.B. Motor Co. of Hull Ltd. v. Minister of Housing and Local Government, Willis J. (1969) 67 L.G.R. 689.

Costs

Appeal from Minister's decision

Confirmation by Minister of certificate of alternative development—Minister's decision quashed by court—Whether Minister combining judicial and administrative functions—Whether Minister should pay costs—Land Compensation Act, 1961, s. 18.
Tysons (Contractors) Ltd. v. Minister of Housing and Local Government, Widgery J. (1965) 63 L.G.R. 375.

Crown

Whether permission necessary

Agricultural land to be used for afforestation—Town and Country Planning Act, 1947, s. 87 (2) (*b*). **Ministry of Agriculture, Fisheries and Food v. Jenkins,** C.A. [1963] 2 Q.B. 317; [1963] 2 W.L.R. 906.

Development charge

Non-payment

Whether defeating right to develop land—Town and Country Planning Act, 1954, ss. 28, 29 (1), 46. **Stock v. Wanstead and Woodford Borough Council,** Stevenson J. [1962] 2 Q.B. 479; [1961] 2 W.L.R. 868.

Whether exigible

Land for building compulsorily acquired by local authority—Inquiry to Central Land Board whether land subject to development charge—Appropriate forms for determination submitted at request of board—Communications from board stating that development charge not payable—Whether " determination " by board—Whether board entitled to recover from local authority compensation subsequently paid—Town and Country Planning Act, 1947, ss. 69 (1), 70 (1)—Town and Country Planning Act, 1954, s. 52 (1).
Ministry of Housing and Local Government v. Banstead Urban District Council, Glyn-Jones J. (1962) 60 L.G.R. 374.

Development, meaning

Agricultural use

" Agriculture "—Breeding and training horses for show jumping—Whether " agriculture "—Whether horses " livestock "—Aircraft hangar used partly for farming purposes and partly for horses—Whether a structure " designed for " agricultural purposes—Town and Country Planning Act, 1947, ss. 12 (2), 119 (1)—Town and Country Planning (General Development) Order, 1950, Sch. I, cl. VI (1).
Belmont Farm Ltd. v. Minister of Housing and Local Government, Divl.Ct. (1962) 60 L.G.R. 319.

Building

Use by local authority as cooking centre for providing school meals—Whether building used for process " carried on in the course of trade or business "—Whether " industrial building "—Town and Country Planning (Use Classes) Order, 1950, art. 2 (2), Sch., cl. III. **Rael-Brook Ltd. v. Minister of Housing and Local Government,** Divl.Ct. [1967] 2 Q.B. 95; [1967] 2 W.L.R. 604.

Building operation

Movable structure—Installation of mobile hopper and conveyor—Whether building or other operation—Town and Country Planning Act, 1947, s. 12.
Cheshire County Council v. Woodward, Divl.Ct. [1962] 2 Q.B. 126; [1962] 2 W.L.R. 636.

TOWN PLANNING—*continued.*

Development, meaning—*continued.*

Dwelling-house

Enlargement of dwelling-house in excess of cubic content limit permitted without planning permission—Excess of cubic content amounting to additional storey—Whether "development without permission" or breach of limitation—Whether enforcement notices alleging development without permission valid—Town and Country Planning Act, 1962, s. 45—Town and Country Planning (General Development) Order, 1963, Sch. 1, class I, 1.
Garland v. Minister of Housing and Local Government, C.A. (1968) 67 L.G.R. 77.

Material change of use

Absorption of site by one use to exclusion of concurrent but different use—Dwelling-house—Room used for shop purposes—Two additional rooms subsequently used for shop and restaurant purposes—Whether material change of use of premises as whole—Whether intensification not amounting to development—Whether development—Preservation of right under Use Classes Order—Town and Country Planning Act, 1962, ss. 12 (1) (2) (*f*), 51 (2)—Town and Country Planning (Use Classes) Order, 1963, arts. 2 (2), 3 (1), Sch., Class 1. **Brooks v. Gloucestershire County Council,** D.C. (1968) 66 L.G.R. 386.

Appeal site formerly used for timber storage—Previous occupier used adjoining land for builders' yard—Whether appeal site could be used for industrial purposes—Whether land used in connection with industrial building—Whether use right remaining in land after building demolished—Erection of plant—Whether planning permission required where plant erected before process carried out—Town and Country Planning (Use Classes) Order, 1963, arts. 2 (3), 3 (2)—Town and Country Planning General Development Order, 1963, art. 3 (1), Sch. 1.
Brazil (Concrete) Ltd. v. Amersham Rural District Council,
Divl.Ct. (1966) 65 L.G.R. 207.
C.A. (1967) 65 L.G.R. 365.

Builder's yard with workshops—Planning permission to rebuild workshops—Resulting reduction in space of builder's yard—Proposed use of site for light engineering—Whether rebuilt builder's workshop an "industrial building"—Whether reduction in space of yard together with permission to rebuild amounting to permitted change of use—Whether permission for use for light engineering required—Town and Country Planning Act, 1962, s. 43—Town and Country Planning (Use Classes) Order, 1963, para. 2, Sch., Class III. **W. G. Relton Ltd. v. Minister of Housing and Local Government,**
D.C. (1969) 67 L.G.R. 469.

Cafeteria used as amusement arcade—Building burnt down—Permission to develop site as cafeteria—Use as amusement arcade—Whether "existing use" rights as amusement arcade acquired—Whether condition of permission to use as cafeteria broken—Minister's decision. **Gray v. Minister of Housing and Local Government,** C.A. (1969) 68 L.G.R. 15.

Caravan site—Increase from one to four caravans.
James v. Minister of Housing and Local Government, C.A. [1966] 1 W.L.R. 135.
H.L.(E.) [1968] A.C. 409; [1967] 1 W.L.R. 171.

Change of method of use—Eggs sold at farmhouse door—Egg vending machine on roadside half a mile away—Whether a material change of use—Whether "for the purposes of agriculture"—Town and Country Planning Act, 1947, s. 12.
Hidderley v. Warwickshire County Council, Divl.Ct. (1963) 61 L.G.R. 266.

Composite use of land—One component use absorbing whole of land to exclusion of other—Whether a material change of use.
Wipperman v. Barking London Borough Council, Divl.Ct. (1965) 64 L.G.R. 97.

——————Whether one of two established uses may be abandoned—Whether subsequent resumption material change of use—Relevance of intention of occupier—Matters for consideration of Minister—"Abandoned"—"Discontinuance"—"Cessation"—Town and Country Planning Act, 1962, s. 12 (1).
Hartley v. Minister of Housing and Local Government,
D.C. [1969] 2 Q.B. 46; [1969] 2 W.L.R. 137.
C.A. [1970] 1 Q.B. 413; [1970] 2 W.L.R. 1.

Dwelling-house occupied by single family—Continued residential user—Lodge of large house—Occupation by gardener employed in commercial use of gardens of house—Subsequent occupation by family—House converted into hotel—Use of lodge for waiters employed at hotel—Whether material change of use—Enforcement notice reciting present but not former use—Validity—Town and Country Planning Act, 1962, ss. 12, 46 (4).
Clarke v. Minister of Housing and Local Government, Divl.Ct. (1966) 64 L.G.R. 346.

Dwelling-house used as private house in occupation of single family—Continued residential user—Use of house for multiple rent paying occupiers—Whether change of use—"Dwelling-house"—"Material change in use"—Town and Country Planning Act, 1947, s. 12 (2) (3)—Town and Country Planning (Use Classes) Order, 1950, Sch.
Birmingham Corpn. v. Habib Ullah, Divl.Ct. [1964] 1 Q.B. 178; [1963] 3 W.L.R. 937.

TOWN PLANNING

Development, meaning—*continued.*

Material change of use—continued.

Enforcement notice—Land used for trading purposes for four years prior to service of notice—Discontinuance during winter months—Resumption of trading during summer months—Justices' finding discontinuance of user at end of summer—Justices hold land used for trading purposes without permission—No finding as to material change of use—Duties to find on material change of use—Town and Country Planning Act, 1947, ss. 12, 24 (3). **Hamblett v. Flintshire County Council,** Divl.Ct. (1961) 59 L.G.R. 128.

Farm buildings—Buildings used for agricultural deadstock—Site with buildings sold to building contractors—Deadstock buildings used to store building business materials and equipment—Whether buildings used as repositories—"Repository"—Whether within exception from need for planning permission—Unit of reference in considering whether "development" has taken place—Whether individual buildings or site as a whole—Town and Country Planning Act, 1962, s. 12 (1) (2) (*f*)—Town and Country Planning (Use Classes) Order, 1963, art. 3 (1), Class X.
G. Percy Trentham Ltd. v. Gloucestershire County Council, C.A. [1966] 1 W.L.R. 506.

Garage—Premises used for repairs, servicing and car sales and showroom—Evidence that oil sometimes sold in connection with sale of cars—No petrol sold on site—Proposal to sell petrol to public at large—Whether a material change of use—Whether question of fact. **Ben Jay Auto Sales Ltd. v. Minister of Housing and Local Government,** Divl.Ct. (1964) 62 L.G.R. 360.

General industrial building—Joinery and wood-work—Use for repair of motor vehicle bodies—Process of cellulose spraying—Whether special industrial building used for purposes within Class VIII—Whether use ordinarily incidental to and included within use for Class IV purposes—"Processes"—"Purposes"—Town and Country Planning (Use Classes) Order, 1963, arts. 2, 3, Sch., Classes IV, VIII.
Scrivener v. Minister of Housing and Local Government, Divl.Ct. (1966) 64 L.G.R. 251.

Industrial research establishment—Use of buildings as offices and laboratories—Proposed use as offices—Whether development—"Office"—Town and Country Planning Act, 1962, s. 12—Town and Country Planning (Use Classes) Order, 1963, para. 13, Sch., Class II. **British Paper and Board Industry Research Association v. Croydon London Borough Council,** Pennycuick J. (1969) 67 L.G.R. 491.

Land used by railway company for coal stacking—Use of land as transit depôt—Whether "development"—Town and Country Planning Act, 1932, s. 53—Town and Country Planning Act, 1947, s. 12 (2).
East Barnet Urban District Council v. British Transport Commission, Divl.Ct. [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134.

Land used for agriculture and camping in tents—Whether camping in caravans material change of use—Whether development—Caravans stored on land in winter—Whether "caravan site"—Town and Country Planning Act, 1947, s. 12 (5) (*b*)—Caravan Sites and Control of Development Act, 1960, s. 1 (4).
Devonshire County Council v. Horton, Divl.Ct. (1963) 61 L.G.R. 60.

Land used for camping in tents—Use for camping in caravans—Whether a material change of use—Whether question of fact—Whether a caravan site—Caravan Sites and Control of Development Act, 1960, ss. 1 (4), 29, 30 (1).
Devonshire County Council v. Allens Caravans (Estates) Ltd., Divl.Ct. (1963) 61 L.G.R. 56.

Nursery garden containing building—Unit for consideration—Primary use for agriculture including incidental provision of facilities for selling produce—Importation for sale of oranges, lemons and bananas—Whether change in character of use—Sale of imported fruit 10 per cent. of total sales—Conclusion that "material change in use"—Whether supportable—Town and Country Planning Act, 1962, ss. 12 (1), 46 (1).
Williams v. Minister of Housing and Local Government, Divl.Ct. (1967) 65 L.G.R. 495.

Residential accommodation with shop attached—Shop used for grocery and general trading—Determination by planning authority that use for sale and display of motor cycles and cars not development—Subsequent demolition of buildings—Site concreted and drained, lamp standards and wooden office building erected—Use of site as car mart—Whether development—Whether authority precluded from bringing enforcement proceedings—Town and Country Planning Act, 1947, ss. 12, 17.
Howell v. Sunbury-on-Thames Urban District Council, Marshall J. (1963) 61 L.G.R. 477.
C.A. (1963) 62 L.G.R. 119.

Seasonal uses—Field used for caravans in summer and agriculture in winter—Cesser of each use on commencement of new season's use—Two uses mutually exclusive—Whether change from one use to other material change of use—Town and Country Act, 1962, ss. 12, 13.
Webber v. Minister of Housing and Local Government, Divl.Ct. (1967) 65 L.G.R. 332.
C.A. [1968] 1 W.L.R. 29.

TOWN PLANNING—*continued.*

Development, meaning—*continued.*

Material change of use—continued.

Site used for smelting scrap metal—Proposed used for reception and sorting of scrap metal—Appeal from Minister's decision that planning permission necessary—Tribunals and Inquiries Act, 1958, s. 9 (1)—Town and Country Planning Act, 1959, s. 32 (1)—Town and Country Planning (Use Classes) Order, 1950, Schedule.
George Cohen 600 Group Ltd. v. Minister of Housing and Local Government, Divl.Ct. [1961] 1 W.L.R. 944.

Slight and intermittent use of agricultural land for dismantling vehicles—Whether use "on occasions" for car breaking—Whether planning permission required for use on similar number of days—Town and Country Planning Act, 1962, s. 13 (3).
Smyth v. Minister of Housing and Local Government, Divl.Ct. (1966) 64 L.G.R. 235.

Students' hostel—Subsequent use as residential hotel—Whether change of use requiring planning permission—Town and Country Planning (Use Classes) Order 1963, art. 3 (1), Schedule, Class XI.
Mornford Investment Ltd. v. Minister of Housing and Local Government, D.C. [1970] 2 All E.R. 253.

Temporary suspension and resumption of use—Seaside amusement centre—Building with forecourt—Forecourt used for access to building—Use of forecourt in summer for display of goods for sale—Whether seasonal resumption of activities in forecourt change of use—Town and Country Planning Act, 1962, s. 12.
Hawes v. Thornton Cleveleys Urban District Council, Divl.Ct. (1965) 63 L.G.R. 213.

Operations on land

Demolition—Partial demolition—Removal of embankment and blast walls surrounding magazines—Whether "engineering . . . operations"—Whether works "alteration of . . . building which . . . materially affects . . . external appearance"—Whether "development"—Town and Country Planning Act, 1962, s. 12 (1) (2).
Coleshill & District Investment Co. Ltd. v. Minister of Housing and Local Government,
Divl.Ct. [1968] 1 All E.R. 62.
C.A. [1968] 1 W.L.R. 600.
H.L.(E.) [1969] 1 W.L.R. 746.

"Resumption" of use—Composite use—One use absorbing land to exclusion of other—Subsequent resumption of other use—Whether a material change of use.
T. A. Miller Ltd. v. Minister of Housing and Local Government, D.C. (1967) 66 L.G.R. 285; C.A. [1968] 1 W.L.R. 992.

"Resumption" of use

Land used as golf course—". . . land . . . used temporarily for a purpose other than . . . normally . . ."—On appointed day use as golf course suspended and temporary use for agricultural grazing—Land subsequently used for grazing—Whether golf course normal use on appointed day—Whether continued as normal use—Whether right of resumption of use lost—Whether subsequent use as golf course development—Town and Country Planning Act, 1962, s. 13 (2).
Kingdon v. Minister of Housing and Local Government, Divl.Ct. [1968] 1 Q.B. 257; [1967] 3 W.L.R. 990.

Road, improvement of

Access to highway—Refuge for foot passengers—Partial obstruction of access—Highway authority's power—Town and Country Planning Act, 1947, s. 12 (2).
Ching Garage Ltd. v. Chingford Corpn., H.L.(E.) [1961] 1 W.L.R. 470.

"Separate dwellinghouses"

Dwelling-house occupied by more than one family—Families living separately—Accommodation not self contained—Kitchen and bathroom facilities shared—Whether separate dwelling-houses—Whether material change of use—Town and Country Planning Act, 1962, s. 12 (3).
Ealing Corpn. v. Ryan, Divl.Ct. [1965] 2 Q.B. 486; [1965] 2 W.L.R. 223.

User for military purposes

Premises occupied by United States Air Force for administrative purposes and as signals unit—Whether use as an "office for any purposes"—Town and Country Planning Act, 1962, s. 12 (1) (2) (*f*)—Town and Country Planning (Use Classes) Order, 1963, art. 3 (1), Sch., cl. II.
Shephard v. Buckinghamshire County Council, Goff J. (1966) 64 L.G.R. 422.

Development, unauthorised

Whether unlawful

Intention of landlord to develop without permission — Opposition to new tenancy — Possibility of no enforcement notice—Right to appeal to Minister in case of notice—Town and Country Planning Act, 1947, s. 23—Caravan Sites and Control of Development Act, 1960, s. 33. **Gregson v. Cyril Lord Ltd.,** C.A. [1963] 1 W.L.R. 41.

TOWN PLANNING—*continued.*

Development, whether authorised

Before appointed day

Land subject to interim development control—Development begun in 1945—Permission to use school as clothing factory for seven years subject to six months' notice thereafter—Permission to continue use for further seven years granted in June, 1947—First permission not determined by notice—Permission granted after appointed day—Use to be continued subject to condition that use to be determined by March, 1960—Enforcement notice—Whether planning authority entitled to serve—Whether time limit on 1945 permission registrable as local land charge—Land Charges Act, 1925, s. 15 (7), as amended by Law of Property (Amendment) Act, 1926, Sch.—Town and Country Planning (Interim Development) Act, 1943, s. 4—Building Restrictions (War-Time Contraventions) Act, 1946, ss. 4 (1), 7 (3)—Town and Country Planning Act, 1947, s. 76 (2) (3). **Rose v. Leeds Corpn.,** C.A. [1964] 1 W.L.R. 1393.

Building operation

Vehicles and equipment parked on land—Whether "plant or machinery"—Town and Country Planning General Development Order, 1950, Sch. I, Cl. IV, para. 1.
Brown v. Hayes and Harlington Urban District Council, Divl.Ct. (1963) 62 L.G.R. 66.

Previous user

User on January 7, 1937—Illegal user—Use of land as caravan site—One caravan remaining on site after January 7, 1937—Caravan on land contrary to local planning scheme—Town and Country Planning Act, 1947, s. 12 (1) (2) (5).
Glamorgan County Council v. Carter, Divl.Ct. [1963] 1 W.L.R. 1.

Development order

Special order

Powers of Minister—Whether Minister under duty to act judicially—Exercise of administrative or legislative power—Whether discretionary and free from judicial control—Inability of Minister to deprive himself or to be deprived of discretion by representation, contract or estoppel—Fetter on exercise of discretion—Whether objectionable—Whether Minister bound to hear representations before making special development order—Airport development—Stansted—Town and Country Planning Act, 1962, s. 14 (1) (3). **Essex County Council v. Ministry of Housing and Local Government,** Plowman J. (1967) 66 L.G.R. 23.

Discontinuance of use of land

"*Interests of amenity*"

Disused coastguard building—Existing structure not detracting from amenity but if falling into disuse and ruin could in future become eyesore—Whether removal in "interests of amenity"—Whether court will review evidence—Whether inspectors conclusion justified on evidence—Town and Country Planning Act, 1962, s. 28.
In re **Watch House, Boswinger,** Roskill J. (1967) 66 L.G.R. 6.

Enforcement notice

Appeal, final determination of

Notice varied by Minister—Appeals from Minister's decision dismissed—Expiration of time to appeal to House of Lords—Information charging failure to comply with notice as varied—Whether valid—Whether appeal finally determined—Appropriate penalty for offence—Town and Country Planning Act, 1962, ss. 46 (3), 47 (1), 180 (1)—Town and Country Planning Act, 1968, Schs. 8, 10, para. 10 (1) (2).
Garland v. Westminster (City) London Borough Council, D.C. (1970) 68 L.G.R. 587.

Appeal from Minister

Whether by motion or case stated—Breach of conditions alleged—Appeal to Minister of Housing and Local Government dismissed—Caravan Sites and Control of Development Act, 1960, s. 34 (1). **Hoser v. Ministry of Housing and Local Government,** Ungoed-Thomas J. [1963] Ch. 428; [1962] 3 W.L.R. 1337.

Whether change of use a material change of use—Egg-vending machine free standing in petrol filling station—No misdirection in law—Sufficient evidence to support Minister's decision—Whether court can interfere—Caravan Sites and Control of Development Act, 1960, s. 34. **Bendles Motors Ltd. v. Bristol Corpn.,** Divl.Ct. [1963] 1 W.L.R. 247.

Appeal to Minister

Appeal on ground not in notice—Minister's jurisdiction—Caravan Sites and Control of Development Act, 1960, s. 33.
Chelmsford Rural District Council v. Powell, Divl.Ct. [1963] 1 W.L.R. 123.

Gravel extraction by mechanical means after many years' extraction by hand—Enforcement notice requiring cessation of gravel extraction—Sole ground of appeal that "no planning permission required"—Deemed application for use to continue—Whether for Minister to consider granting limited permission—Town and Country Planning Act, 1962, ss. 17, 22, 46 (1) (*c*), 64 (2).
Hansford v. Minister of Housing and Local Government, D.C. (1969) 68 L.G.R. 75.

TOWN PLANNING—*continued.*

Enforcement notice—*continued.*

Appeal to Minister—continued.

Notice invalid in part—Error in recital—Variation of notice by Minister—Whether variation permissible—Whether notice as varied with error in recital valid—Caravan Sites and Control of Development Act, 1960, s. 33 (2) (5) (6).
Miller-Mead v. Minister of Housing and Local Government, Divl.Ct. [1962] 2 Q.B. 555; [1962] 3 W.L.R. 654.
C.A. [1963] 2 Q.B. 196; 1963] 2 W.L.R. 225.

——————Subsidiary use restricted—No recital of existing subsidiary use—Whether amendment by Minister permissible—Town and Country Planning Act, 1962, s. 46 (1) (5). **Mansi v. Elstree Rural District Council,** Divl.Ct. (1964) 62 L.G.R. 172.

Whether Minister is bound by views of inspector—Development—Burden of proof—Whether burden on appellant to prove date of development—Caravan Sites and Control of Development Act, 1960, s. 33. **Nelsovil Ltd. v. Minister of Housing and Local Government,** Divl.Ct. [1962] 1 W.L.R. 404.

Conviction for contravention

Subsequent prosecution pursuant to enforcement notice—Whether res judicata—Uninhabited caravans—Whether "moveable dwellings"—Town and Country Planning Act, 1947, ss. 23, 24 (3). **Hailsham Rural District Council v. Moran,** Divl.Ct. (1966) 64 L.G.R. 367.

Date

Enforcement notices served on owner bearing one date and occupiers bearing another date—Notices otherwise identical requiring discontinuance of use within 28 days of taking effect—Whether valid service—Whether date may be corrected by Minister—Town and Country Planning Act, 1962, ss. 45 (3), 46.
Bambury v. Hounslow London Borough Council, Divl.Ct. [1966] 2 Q.B. 204; [1966] 2 W.L.R. 1294.

Description of user

Dwelling-house occupied by more than one family—Enforcement notice alleging change of use to "house-let-in-lodgings"—Whether capable of describing use for planning purposes—Town and Country Planning Act, 1962, s. 12 (1).
Borg v. Khan, Divl.Ct. (1965) 63 L.G.R. 309.

Discontinuance of use

Land used for stationing "vehicles"—Use of term to describe offending objects—Pantechnicons standing for six years—Removal of wheels and chassis—Whether change of character—Whether still "vehicles"—Town and Country Planning Act, 1962 s. 47 (5).
Backer v. Uckfield Rural District Council, D.C. (1970) 68 L.G.R. 596.

Entry after non-compliance

Buildings and other works erected on agricultural land—Steps to be taken to restore land specified by local planning authority—Owner in default—Proposal by authority to carry out some only of steps specified—Whether "steps required by the notice to be taken"—Town and Country Planning Act, 1947, s. 24 (1).
Arcam Demolition & Construction Co. Ltd. v. Worcestershire County Council, Cross J. [1964] 1 W.L.R. 661.

Estoppel

Representation by local planning authority's officer that land had existing user right—Land bought and used by purchasers on faith of representation—Resilement by authority from representation—Enforcement notice requiring cesser of user—Whether authority estopped from adducing evidence contrary to representation—Whether statutory discretion exercisable for the benefit of the public—Town and Country Planning Act, 1947, s. 23. **Southend-on-Sea Corpn. v. Hodgson (Wickford) Ltd.,** Divl.Ct. [1962] 1 Q.B. 416; [1961] 2 W.L.R. 806.

Form

Agricultural holding used for sale and breaking up of motor vehicles—Change of use initially authorised by General Development Order—Allegation of change of "permanent" use—Alternative enforcement notice alleging breach of implied condition to discontinue use after 28 days—Service of alternative notices on same day—Whether ambiguous—Writ for declaration issued before coming into force of statute—Whether defect in enforcement notice cured by retrospective effect of statute—Change of use taking place by stages over number of years—Whether notice served within four years of event giving rise to its service—Two caravans used as office and workshop—Erection of corrugated iron canopy—Whether "development"—Whether injury to amenity from use to which land put—Town and Country Planning Act, 1947, ss. 12, 23 (1), 33—Town and Country Planning Act, 1959, s. 38.
Britt v. Buckinghamshire County Council, Widgery J. (1962) 60 L.G.R. 430.

Development permission—Permission subject to conditions—Breach of condition—Enforcement notice alleging breach of condition "without the grant of permission"—Whether notice ambiguous—Town and Country Planning Act, 1947, ss. 23, 24.
Dorking and Horley Rural District Council v. Fry, Divl.Ct. (1961) 59 L.G.R. 132.

TOWN PLANNING—*continued.*

Enforcement notice—*continued.*

Form—continued.

Recital of change of use without planning permission—Whether permission under Order of 1950 is permission under Part III of the Act of 1947—Validity of enforcement notice—Town and Country Planning General Development Order, 1950, art. 3 (1), Sch. I, Class IV, 2—Town and Country Planning Act, 1947, s. 23 (1).
Miller-Mead v. Minister of Housing and Local Government, C.A.
[1963] 2 Q.B. 196; [1963] 2 W.L.R. 225.

Validity—Five acts of unpermitted development alleged on particular parts of site—One enforcement notice—Whether permissible—Allegation of non-compliance with previous limited permission in same notice—Whether sufficient to render notice a nullity—Failure to specify steps required to restore land—Whether essential—Town and Country Planning Act, 1947, s. 23. **Ormston v. Horsham Rural District Council,**
Roskill J. (1965) 63 L.G.R. 293.
C.A. (1965) 63 L.G.R. 452.

Justices' jurisdiction

Allegation that no permission required for development complained of—Development taking place before appointed day—Whether a defence—"No permission was required under Part III"—Caravan Sites and Control of Development Act, 1960, s. 33.
Findlow v. Lewis, Divl.Ct. [1963] 1 Q.B. 151; [1962] 3 W.L.R. 429.

Challenge to validity on ground that time for compliance unreasonable—Reasonableness of time—Test—Town and Country Planning Act, 1962, ss. 46 (1) (*g*), 177 (1).
Smith v. King, D.C. (1969) 68 L.G.R. 40.

Plurality

Two enforcement notices in respect of same contravention—Application for planning permission after service of first enforcement notice—No decision on application—No extension of period for decision—First enforcement notice not withdrawn or discharged —Subsequent service of second enforcement notice in respect of same user—Whether first enforcement notice a bar to issue of second notice—Town and Country Planning Act, 1947, s. 23 (3) (*a*)—Town and Country Planning General Development Order, 1950, art. 5 (8) (9). **Edwick v. Sunbury-on-Thames Urban District Council (No. 2),**
Russell L.J. (1964) 62 L.G.R. 504.
C.A. (1965) 63 L.G.R. 204.

Prosecution for non-compliance

Continuing offence—Information charging further offences not heard until more than six months after date—Penalty dated back to previous conviction—Town and Country Planning Act, 1947, s. 24 (3)—Magistrates' Courts Act, 1952, s. 104.
Reg. v. Chertsey Justices, *Ex parte* **Franks,** Divl.Ct. [1961] 2 Q.B. 152;
[1961] 2 W.L.R. 442.

Provisional permission

Permission for development subject to approval of plans of buildings on part of site—No plans approved—Whether a permission for development other than buildings—Service of enforcement notice—Claim for declarations that enforcement void—Contention that unconditional permission for development other than buildings—Whether claim barred —Caravan Sites and Control of Development Act, 1960, s. 33 (1) (*b*) (8).
Winner Investments Ltd. v. Hammersmith London Borough Council,
Fenton Atkinson J. (1966) 64 L.G.R. 447.

Reasonable time for steps required

Clearance of site—Relevance of previous history of site—Car breaker's yard—Clearance required within 28 days—300 vehicles on site—Whether a reasonable time—Whether Minister entitled to consider previous refusal of permission—Caravan Sites and Control of Development Act, 1960, s. 33 (1) (*g*).
Mercer v. Uckfield Rural District Council, Divl.Ct. (1962) 60 L.G.R. 226.

Service

Land used by several persons—Notice served on one user—Whether service valid— "Occupier"—Town and Country Planning Act, 1947, s. 23 (1).
Caravans and Automobiles Ltd. v. Southall Borough Council,
Divl.Ct. [1963] 1 W.L.R. 690.

"Owner"—Husband and wife jointly occupying wife's land—Car parking business carried on by both on land—Business controlled and moneys received by husband—Profits divided by husband between himself and wife—Inference that if land let at rack-rent husband "entitled to receive" it as agent or trustee for wife—Whether justified—Husband's applications for planning permission refused—Service of enforcement notice on husband —Town and Country Planning Act, 1962, ss. 45 (3), 221 (1).
Courtney-Southan v. Crawley Urban District Council, Divl.Ct. [1967] 2 Q.B. 930;
[1967] 3 W.L.R. 57.

TOWN PLANNING—*continued.*

Enforcement notice—*continued.*

Service—continued.

Prepaid registered post properly addressed to defendant—Certificate of delivery purported to be signed by defendant—Unchallenged evidence by defendant of non-receipt of notice—Whether time of receipt an essential element in service—Whether notice duly served on defendant—Town and Country Planning Act, 1962, ss. 45, 214 (1) (*c*)—Interpretation Act, 1889, s. 26.
Moody v. Godstone Rural District Council, Divl.Ct. [1966] 1 W.L.R. 1085.

Private open market—Freeholder and yearly tenant—Tenant limited company—Whether "owner or occupier"—Local authority unaware of existence of tenant—Service on freeholder—Notices addressed to "The Owner" and "The Occupier" affixed to letting office at site—Whether proper service on tenant—Whether market "premises"—Town and Country Planning Act, 1947, ss. 105 (1) (2) (*b*), 119.
Hammersmith London Borough Council v. Winner Investments Ltd., D.C. (1968) 66 L.G.R. 625.

Occupation

"Owner-occupier"

Purchase notice—House and land affected by proposed by-pass road—Conversion into two houses—Houses unoccupied and unsold since 1951—No rates paid—Garden sheds and garage containing gardening equipment and other articles of no practical value—Periodic visits by owner to maintain property—Whether owner an "owner-occupier" of part of the hereditament—Town and Country Planning Act, 1959, s. 43 (2) (*a*).
Ministry of Transport v. Holland, C.A. (1963) 61 L.G.R. 134.

Petrol-filling station. *See* METROPOLIS.

Planning permission

Abandonment

Acceptance of compensation for loss of development value—Whether abandonment or waiver of existing planning permission—Election of one of two inconsistent rights.
Slough Estates Ltd. v. Slough Borough Council (No. 2), C.A. [1969] 2 Ch. 305; [1969] 2 W.L.R. 1157.

Application

Certificate of ownership—Factual error in—Whether planning authority deprived of jurisdiction to grant permission—Application for outline planning permission—Application accompanied by certificate that applicant owner of fee simple—Grant of permission—Subsequent application by purchaser of land for approval of plans—Certificate that purchaser owner of fee simple—Land in fact not conveyed to purchaser—Whether second application "application for planning permission"—Whether certificate required—Town and Country Planning Act, 1959, s. 37 (1)—Town and Country Planning General Development Order, 1950, art. 5 (2) (3).
Reg. v. Bradford-on-Avon Urban District Council, *Ex parte* **Boulton,** Divl.Ct. [1964] 1 W.L.R. 1136.

Industrial development—Outline planning permission granted in 1945 subject to particulars of proposed development—Applications without use of 1945 permission—Whether 1945 permission now effective—Appeal to Minister against planning authority's refusal to determine—Proceedings commenced in High Court, while Minister's decision awaited—Concurrent proceedings—Application for stay—Court's discretion—Nature of relief—Town and Country Planning Act, 1962, ss. 22, 23—Supreme Court of Judicature (Consolidation) Act, 1925, s. 41. **Slough Estates Ltd. v. Slough Borough Council,** Ungoed-Thomas J. [1968] Ch. 299; [1967] 2 W.L.R. 1511.

Whether implicit invitation for determination—Decision of planning authority that proposed construction a "permitted development"—Whether a determination that no planning permission necessary—Whether formal application necessary—Effect of determination—By-law approval—Whether a determination—Effect of deletion of words on form—Enforcement notice—Matters to be taken into consideration on appeal to Minister—Town and Country Planning Act, 1962, s. 43 (1).
Wells v. Minister of Housing and Local Government, Divl.Ct. (1966) 65 L.G.R. 43; C.A. [1967] 1 W.L.R. 1000.

Whether letter application for caravan site licence—Test—Caravan Sites and Control of Development Act, 1960, ss. 1, 17.
Chelmsford Rural District Council v. Powell, Divl.Ct. [1963] 1 W.L.R. 123.

Conditions. (*See also* **Caravan site.**)

Extension to existing factory—Permission subject to conditions—Extension to be used only in conjunction with main factory—Main premises to be used only by person or firm occupying a building in the county—Validity of conditions—Whether conditions severable—Whether a valid unconditional permission—Town and Country Planning Act, 1947, s. 14. **Allnatt London Properties Ltd. v. Middlesex County Council,** Glyn-Jones J. (1964) 62 L.G.R. 304.

TOWN PLANNING—*continued.*

Planning permission—*continued.*

Conditions—continued.

Outline permission for erection of "agricultural cottage"—Subsequent modification of permission—Insertion of condition that occupation of cottage to be limited to persons engaged in agriculture—"Agricultural cottage"—Purpose for which "designed"—Town and Country Planning Act, 1947, ss. 18 (3), 21, 22.
Wilson v. West Sussex County Council, C.A. [1963] 2 Q.B. 764; [1963] 2 W.L.R. 669.

Outline permissions subject to approval of detailed plans—"Permission shall cease to have effect after . . . three years unless . . . approval . . . notified"—No provision covering time required for appeal to Minister against refusal of approval—Compliance with condition outside developer's control—Whether unreasonable and repugnant to planning legislation—Whether void—Whether severable—Whether permission void in toto—Town and Country Planning Act, 1947, ss. 14 (1) (2) (*b*), 16 (1)—Town and Country Planning Act, 1948, ss. 64, 65, 66—Town and Country Planning General Development Order, 1950, arts. 5, 11. **Kingsway Investments (Kent) Ltd. v. Kent County Council,**
Lyell J. [1968] 3 All E.R. 197; 66 L.G.R. 425.
C.A. [1969] 2 Q.B. 332; [1969] 2 W.L.R. 249.
H.L.(E.) [1970] 2 W.L.R. 397.

Permission to rebuild petrol service station—Condition prohibiting sale of second-hand cars—Exercise of permission—Claim that existing use rights for sales of cars—Whether condition binding—Whether planning permission required for sale of cars—Increased traffic hazards on bypass—Whether ground for refusing permission.
Prossor v. Minister of Housing and Local Government, D.C. (1968) 67 L.G.R. 109.

Reason for condition not stated—Whether authority a duty to give written reasons for condition—Whether condition valid—Enforcement notice alleging breach of condition—Validity—Town and Country Planning General Development Order, 1950, art. 5 (9).
Brayhead (Ascot) Ltd. v. Berkshire County Council, Divl.Ct. [1964] 2 Q.B. 303; [1964] 2 W.L.R. 507.

Uncertainty—Whether void for uncertainty—Condition requiring road to be built and in effect dedicated as a highway without compensation—Whether ultra vires—Whether condition severable—Effect of invalidity of condition upon permission—Town and Country Planning Act, 1947, s. 14 (1) (2).
Hall & Co. Ltd. v. Shoreham-by-Sea Urban District Council,
Glyn-Jones J. (1963) 61 L.G.R. 508.
C.A. [1964] 1 W.L.R. 240.

Declaration by High Court

Development not in accordance with development plan—Failure by local planning authority to refer applications to Minister—Adjoining land injuriously affected by development—Whether adjoining landowners status to seek declaration—Town and Country Planning General Development Order, 1963, art. 10.
Gregory v. Camden London Borough Council, Paull J. [1966] 1 W.L.R. 899.

Delay

Application by site owner accompanied by erroneous plans—Amended plans submitted after expiry of time limited for local planning authority to give notice of decision on original application—Whether time runs afresh from submission of amended application—Duty of local planning authority—Permission granted eight months after submission of amended plans—Validity—Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950, art. 5 (8).
London Ballast Co. Ltd. v. Buckinghamshire County Council,
Megaw J. (1966) 65 L.G.R. 227.

Delay by planning authority

Enforcement notice to discontinue use—Application for planning permission after service of notice—Notice of refusal of permission not served until two years later—Whether valid—Whether enforcement notice valid—Town and Country Planning General Development Order and Development Charge Applications Regulation, 1950, art. 5 (8) (9).
Edwick v. Sunbury-on-Thames Urban District Council, Salmon J. [1962] 1 Q.B. 229; [1961] 3 W.L.R. 553.

Development, temporary

Temporary dwellings erected with consent of Minister under wartime legislation—Deemed planning permission for erection of permanent dwellings—Agreement between local authority and landowners as to compensation payable—Whether deemed planning permission of nil value—Whether Minister's consent express conditional planning permission precluding deemed permission—Time conditions—To be clear and explicit—Land Compensation Act, 1961, s. 15 (3)—Town and Country Planning Act, 1962, Sch. 3, Pt. I, para. (1), Pt. III, para. (10).
Walton-on-Thames Charities Trustees v. Walton and Weybridge Urban District Council, C.A. (1970) 68 L.G.R. 488.

TOWN PLANNING—*continued.*

Planning permission—*continued.*

Development during war period

Planning permission granted within five-year period—Whether step to enforce planning control—Whether occupiers' right to deemed planning permission prejudiced—Enforcement notices served under 1947 Act—Validity—Building Restrictions (War-Time Contraventions) Act, 1946, ss. 2, 4—Town and Country Planning Act, 1947, ss. 23, 75.
Essex Construction Co. Ltd. v. East Ham Borough Council,
Divl.Ct. (1963) 61 L.G.R. 452.

Requisitioned land—Agricultural land requisitioned and later bought by War Office in 1942—Use for army purposes—Temporary buildings erected and access to road made by oil company as agents for War Office—Planning consents not applied for—Conditional consent to development issued to oil company by appropriate authority—Consents returned as inappropriate—Land subsequently used as storage depot by other Government Departments—Sale by War Office in 1958—Use as storage depot for agricultural machinery—Enforcement notice requiring discontinuance of use and removal of buildings—Power of county council to serve—Whether interim planning permission granted in 1942—Effect of Act of 1947—Town and Country Planning Act, 1947, s. 76.
A. G. Campbell (Arcam) Ltd. v. Worcestershire County Council,
C.A. (1963) 61 L.G.R. 321.

Effect

Condition affecting road—Road bordering land—Delineation on plan—Whether edge of footway and land boundary must coincide—Whether 3 inches departure de minimis—Town and Country Planning Act, 1947, s. 14.
Robert Russell Developments Ltd. v. Buckinghamshire County Council,
Widgery J. (1963) 61 L.G.R. 483.

"*Findings of fact*"

Gravel working—Planning authority stating unidentified acres suitable for working—Policy for areas surrounding appeal site unclarified—Inspector's refusal to compel identification by area planning officer giving evidence—Whether justified—Likely effect of present grant on surrounding areas—Intention of applicant to seek future extensions of permission if present application granted—Whether a material consideration—Whether matter of policy—Whether inspector failed to find required facts—Town and Country Planning Act, 1962, s. 179—Town and Country Planning (Inquiries Procedure) Rules, 1965, rr. 10 (4), 12 (1), 13 (1).
William Boyer & Sons Ltd. v. Minister of Housing and Local Government,
Willis J. (1968) 67 L.G.R. 374.

Inspector's conclusions and recommendations favourable to applicant—Appeal dismissed by Minister—Minister's disagreement with inspector's conclusions—Whether conclusions "findings of fact"—Whether matters of opinion—Town and Country Planning Act, 1962, s. 23 (4) (5)—Town and Country Planning (Inquiries Procedure) Rules, 1965, rr. 12, 13. **Luke v. Minister of Housing and Local Government,**
Lawton J. [1968] 1 Q.B. 172; [1967] 2 W.L.R. 623.
C.A. [1968] 1 Q.B. 172; [1967] 1 W.L.R. 801.

Railway—Operational land—Town and Country Planning General Development Order, 1948, art. 3 (1), Sch. 1, Class XVIIIA—Town and Country Planning General Development Order, 1950, art. 3 (1), Sch. 1, Class XVIIIA.
East Barnet Urban District Council v. British Transport Commission,
Divl.Ct. [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134.

"*Material considerations*"

Direction for reference to Minister—Municipal airport—Availability of other sites—Whether availability material consideration—Onus of proof of availability—Whether any duty on Minister to seek out alternative sites—Town and Country Planning Act, 1947, ss. 14 (1), 15 (1) (2).
Rhodes v. Minister of Housing and Local Government, Paull J. [1963] 1 W.L.R. 208.

Jodrell Bank area—Refusal of application on ground of interference with telescope—Whether "material considerations"—Whether private considerations "material"—Whether considerations limited to those of amenity—Town and Country Planning Act, 1962, s. 17 (1). **Stringer v. Minister of Housing and Local Government,**
Cooke J. [1970] 1 W.L.R. 1281.

Use of land as highway—Refusal of permission on ground that development prejudicial to future road widening—No improvement or building line prescribed by local authority under Highways Act, 1959—Appeal to Minister—Dismissal of appeal on grounds that road widening necessary—Consideration by Minister of compensation element under Highways Act—Whether Minister's action amounting to taking away private rights of property without compensation—Whether ultra vires Act—Town and Country Planning Act, 1962, s. 179 (4) (*b*). **Westminster Bank Ltd. v. Beverley Borough Council,**
Donaldson J. [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080.
C.A. [1969] 1 Q.B. 499; [1968] 3 W.L.R. 671.
H.L.(E.) [1970] 2 W.L.R. 645.

TOWN PLANNING—*continued.*

Planning permission—*continued.*

Minister's letter of decision

Construction—Letter accepting inspector's recommendations where "user-right exists"—Grant of planning permission in respect of part of land—Whether grant of permission without conditions or limitation.

Edmunds v. Cardiganshire County Council, Roskill J. (1969) 67 L.G.R. 158.
C.A. (1969) 67 L.G.R. 528.

Ministerial policy

Land reserved for agriculture—Application to Minister of Housing and Local Government for permission to extract gravel—Objection by Minister of Agriculture—Refusal of permission—Housing Minister's stated policy not to permit extraction in agricultural reserves when objected to by Minister of Agriculture—Whether improper fetter on Minister's discretion—Town and Country Planning Act, 1962, ss. 17, 23—Town and Country Planning (Inquiries Procedure) Rules, 1965, r. 12 (2).

H. Lavender & Son Ltd. v. Minister of Housing and Local Government,
Willis J. [1970] 1 W.L.R. 1231.

Mistake

Application for permission to develop area coloured on plan—Outline permission for development of area uncoloured on plan—Effect of obvious error—Permission construed with plan. **Slough Estates Ltd. v. Slough Borough Council (No. 2),**
C.A. [1969] 2 Ch. 305; [1969] 2 W.L.R. 1157.
H.L.(E.) [1970] 2 W.L.R. 1187.

Proposed green belt

Refusal of permission to develop land shown on sketch plan as proposed green belt—Land not zoned as green belt—Appeal to Minister—Submission that land could be excluded from green belt—Inspector's recommendation that appeal be dismissed because part of green belt and no positive argument for development advanced—Report of inspector accepted by Minister—Whether exclusion of land from green belt considered—Whether a failure to comply with "relevant requirements"—Town and Country Planning Act, 1947, s. 16—Town and Country Planning Act, 1959, s. 31.

Myton Ltd. v. Minister of Housing and Local Government,
Widgery J. (1963) 61 L.G.R. 556.

Purchase notices served by owner—Minister's refusal to confirm—Land in existing state of reasonably beneficial use—Substantial difference between existing value of land and value if redeveloped—Whether Minister bound to find land incapable of reasonably beneficial use—Town and Country Planning Act, 1962, s. 129 (1).

Brookdene Investments Ltd. v. Minister of Housing and Local Government,
Fisher J. (1969) 67 L.G.R. 673.

Subsequent planning permission

Planning permission for development of housing estate—Layout showing 14 houses on each side of cul-de-sac—No buildings erected—Subsequent permission for erection of six houses on same site—Two of six houses built on north side of site—Desire of developers to build 14 houses on south side of cul-de-sac in accordance with original planning permission—Whether permitted development—Whether original permission for each individual house—Whether conditional on completion of whole layout—Town and Country Planning Act, 1962, ss. 12, 13.

F. Lucas & Sons Ltd. v. Dorking and Horley Rural District Council,
Winn J. (1964) 62 L.G.R. 491.

Validity

Determination of—Whether Minister has to determine validity of grant of planning permission—Jurisdiction of court by declaration—Town and Country Planning Act, 1947, s. 17 (1).

Edgwarebury Park Investments Ltd. v. Minister of Housing and Local Government,
Divl.Ct. [1963] 2 Q.B. 408; [1963] 2 W.L.R. 257.

Jurisdiction of court—Allegation of breach of rules of natural justice—Permission granted after public inquiry—Compulsory purchase order—Claim for declaration that permission and order invalid—Allegation of irregularity of proceedings—Jurisdiction of court—Acquisition of Land (Authorisation Procedure) Act, 1946, Sch. 1, paras. 15, 16—Town and Country Planning Act, 1962, ss. 176, 179.

Cartwright v. Ministry of Housing and Local Government,
Plowman J. (1967) 65 L.G.R. 384.

TOWN PLANNING—*continued.*

Planning permission—*continued.*

Variation

Delegation—Practice of planning officer authorising minor variations—Approved modification acted upon by developer—Effect—Town and Country Planning Act, 1962, s. 43 (1)—Town and Country Planning Act, 1968, s. 64 (1).

Lever Finance Ltd. v. Westminster (City) London Borough Council, C.A. [1970] 3 W.L.R. 732.

Purchase notice by owner

Development plan

Land allocated for redevelopment for residential purposes—Notice requiring purchase of owner-occupier's interest by local authority—Counter-notice—Whether land " allocated " by a development plan for the purposes of any functions of a local authority—Onus of proof—Town and Country Planning Act, 1947, s. 5—Town and Country Planning Act, 1959, ss. 39 (1) (2), 40 (1) (2), 41 (1) (2).

Bolton Corpn. v. Owen, C.A. [1962] 1 Q.B. 470; [1962] 2 W.L.R. 307.

Prescribed limit

Church affected by highway control line—Valuation list entry " exempt "—Counter-notice—Grounds of objection—No allegation that claimant's interest did not qualify for protection—Point raised as preliminary point of law—No jurisdiction in Lands Tribunal to determine it—Effect of " exempt " entry—Town and Country Planning Act, 1959, ss. 39, 40, 41.

Essex Incorporated Congregational Church Union v. Essex County Council, H.L.(E.) [1963] A.C. 808; [1963] 2 W.L.R. 802.

——————————Whether annual value exceeding prescribed limit—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 7—Town and Country Planning Act, 1959, ss. 39, 43.

Essex Incorporated Congregational Church Union v. Essex County Council, C.A. [1962] 2 Q.B. 613; [1962] 3 W.L.R. 306.

Tree preservation order

Validity

Order based on Ministry's model—Prohibition of causing or permitting tree topping—Statutory enabling power prohibiting topping—Whether covering all aspects of prohibition including causing or permitting topping—Town and Country Planning Act, 1962, ss. 29 (1), 62 (1). **Reg. v. Bournemouth Justices,** *Ex parte* **Bournemouth Corpn.,** D.C. (1970) 68 L.G.R. 261.

TRADE. *See* Restraint of Trade; Revenue (**Income tax**); Words and Phrases.

TRADE DESCRIPTION. *See* Sale of Goods.

TRADE DISPUTE. (*See also* Tribunal (**Statutory**).)

Act in furtherance of

Conspiracy

Predominant object—Trade union officers—Instruction to members inducing breach of contract—Predominant motive defence of union interests—Acts of officers not actionable conspiracy—Statutory protection for trade union officers—Trade Disputes Act, 1906, s. 1.

J. T. Stratford & Son Ltd. v. Lindley, C.A. [1965] A.C. 269; [1964] 2 W.L.R. 1002.

Injunction

Inducement of breach of contract by ban on overtime—Whether restrainable by injunction—Trade Disputes Act, 1906, ss. 3, 4, 5 (3).

Camden Exhibition & Display Ltd. v. Lynott, C.A. [1966] 1 Q.B. 555; [1965] 3 W.L.R. 763.

Whether torts by or on behalf of trade union restrainable by injunction—Trade Disputes Act, 1906, ss. 3, 4 (1), 5 (3).

Torquay Hotel Co. Ltd. v. Cousins, C.A. [1969] 2 Ch. 106; [1969] 2 W.L.R. 289.

Picketing

Anticipation by constable of possibility of breach of the peace—Constable's order limiting number of pickets—Order flouted by pickets—Whether pickets obstructing constable in the execution of his duty—Prevention of Crimes Act, 1871, s. 12—Prevention of Crimes Amendment Act 1885, s. 2—Conspiracy and Protection of Property Act, 1875, s. 7—Trade Disputes Act, 1906, s. 2 (1).

Piddington v. Bates, Divl.Ct. [1961] 1 W.L.R. 162.

Pickets moving in a circle on highway—Part of objects to seal off highway—Unreasonable use of highway—Whether subject to interference by police—Trade Disputes Act, 1906, s. 2 (1). **Tynan v. Balmer,** Divl.Ct. [1967] 1 Q.B. 91; [1966] 2 W.L.R. 1181.

TRADE DISPUTE—*continued.*

Act in furtherance of—*continued.*

Procuring breach of contract

"Contract of employment"—Subcontract to supply labour only for large-scale project—Objection in principle by building trade union to "labour only" subcontracting—Industrial action to procure termination of subcontract—Subcontract providing for termination for failure to maintain reasonable progress—Terms of contract disclosed to trade union officers in course of proceedings for injunction by subcontractors—Relevance of knowledge of terms of contract—Industrial action continued after discovery of terms of contract—Whether means used to induce termination of contract lawful or unlawful—Whether "labour only" contract "contract of employment"—Whether prima facie case of unlawful interference with contract—Trade Disputes Act, 1906, s. 3—Trade Disputes Act, 1965, s. 1.
Emerald Construction Co. Ltd. v. Lowthian, C.A. [1966] 1 W.L.R. 691.

Contracts of employment—Contract other than contract of employment—Indirect interference—Whether unlawful in absence of knowledge of terms of contract and intention to cause damage—Tests to be applied.
J. T. Stratford & Son Ltd. v. Lindley, C.A. [1965] A.C. 269; [1964] 2 W.L.R. 1002.

Inter-union rivalry in hotel industry—Trade dispute at one hotel—Union officials' picketing of other hotel employing no members of union—Interfering with oil contracts—Whether "in contemplation or furtherance of . . . trade dispute"—Whether protected acts—Trade Disputes Act, 1906, ss. 3, 4 (1), 5 (3).
Torquay Hotel Co. Ltd. v. Cousins, Stamp J. [1969] 2 Ch. 106; [1968] 3 W.L.R. 540.
C.A. [1969] 2 Ch. 106; [1969] 2 W.L.R. 289.

Unsuccessful negotiations with firm for recognition of watermen's union—Firm's recognition of transport union—Embargo on handling firm's barges—Breaches of commercial contracts and watermen's contracts of service resulting—Whether done "in contemplation or furtherance of a trade dispute"—Whether acts protected under sections 1 or 3 of Act—Trade Disputes Act, 1906, ss. 1, 3, 5 (3).
J. T. Stratford & Son Ltd. v. Lindley, H.L.(E.) [1965] A.C. 269; [1964] 3 W.L.R. 541.

Working rules of exhibition industry—Whether incorporated in contract of employment—Inducement to break rules by ban on overtime—Whether done "in contemplation or furtherance of a trade dispute"—Whether restrainable by injunction—Contracts of Employment Act, 1963, s. 4 (1)—Trade Disputes Act, 1906, ss. 3, 4, 5 (3).
Camden Exhibition & Display Ltd. v. Lynott, C.A. [1966] 1 Q.B. 555;
[1965] 3 W.L.R. 763.

Threat to break a contract

Threat by trade union official to employer of strike action by employees in breach of contracts of employment — Act of inducement unlawful between defendants and employers—Whether actionable at suit of person not party to contract in action based on intimidation—Trade Disputes Act, 1906, s. 3.
Morgan v. Fry, Widgery J. [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65.

Threat by trade union official to employer to call strike in breach of contract of employment—Whether actionable as tort of intimidation—Trade Disputes Act, 1906, s. 3.
J. T. Stratford & Son Ltd. v. Lindley, H.L.(E.) [1965] A.C. 269; [1964] 3 W.L.R. 541.

Trade union official's strike notice unless workman rejoins union—Employers' dismissal of workman by notice under contract of service—Whether strike notice of proper length lawful—Whether honest actions in interests of union conspiracy—Whether "induces" includes threat to induce—Trade Disputes Act, 1906, s. 3.
Morgan v. Fry, C.A. [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506.

Threatening breach of contract

Conspiracy—Resignation of plaintiff from union—Threats by union members to strike—Threatened withdrawal of labour in breach of contracts of employment—Whether unlawful act—Whether defendants protected by statute—Trade Disputes Act, 1906, ss. 1, 3. **Rookes v. Barnard,** Sachs J. [1963] 1 Q.B. 623; [1961] 3 W.L.R. 438.
C.A. [1963] 1 Q.B. 623; [1962] 3 W.L.R. 260.
H.L.(E.) [1964] A.C. 1129; [1964] 2 W.L.R. 269.

Withdrawal of labour

Sub-contractor employing union members operating on site in breach of national working rules—Strike action by other union members—Employees of sub-contractor withdrawn from site—Sub-contract terminated—Continued refusal of union members to work with former employees of sub-contractor—Whether act in furtherance of trade dispute.
Hutchison v. Aitchison, Brightman J. (1970) 9 K.I.R. 69.

Tribunal to determine

Powers

Labour tribunal appointed under Industrial Disputes Act (Ceylon), 1950—Trade union acting for employee dismissed for insubordination and disobedience—Whether tribunal's powers and duties same as arbitrator's on a reference of an industrial dispute—Whether tribunal restricted to giving effect to legal rights or able to make such order as may appear to it to be just and equitable—Whether orders by tribunal judgments or administrative orders. **United Engineering Workers' Union v. Devanayagam,**
P.C. [1968] A.C. 356; [1967] 3 W.L.R. 461.

TRADE MARK

Costs

Registrar's liability

Costs to follow event—Trade Marks Act, 1905, s. 48—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 7.
In re **Svenska Aktiebolaget Gasaccumulator's Application,** C.A. [1962] 1 W.L.R. 657.

Infringement

Passing off

Similar device marks for same class of goods—Finding of no infringement but passing off by defendant—Whether inconsistent.
Lee Kar Choo v. Lee Lian Choon, P.C. [1967] 1 A.C. 602; [1966] 3 W.L.R. 1175.

Registration

Film name

Applicant not the producer of the film—Manufacturer of toys—Number of similar applications—Refusal to register—Whether rightful exercise of registrar's discretion—Trade Marks Act, 1938, s. 17. *In re* **Cheryl Playthings Ltd.,** Cross J. [1962] 1 W.L.R. 543.

Memorandum relating to trade mark

Application to enter in register—Agreement between registered proprietor and registered user—Limitation on proprietary rights—Refusal to enter—Registrar's discretion—Trade Marks Act, 1938, s. 34 (1) (*e*).
In re **Svenska Aktiebolaget Gasaccumulator's Application,** C.A. [1962] 1 W.L.R. 657.

Opposition to

Mark used in United Kingdom after proprietor's business nationalised in Czechoslovakia—Subsequent use in United Kingdom by former proprietor for similar Canadian business—Whether registration by nationalised corporation to be refused as contrary to morality or because use of mark likely to cause confusion—Trade Marks Act, 1938, ss. 11, 17.
In re **Stredoceska Fruta Narodni Podnik's Application,** Plowman J. [1969] 1 W.L.R. 36.

Rectification—" Likely to deceive or cause confusion "—" Disentitled to protection in a court of justice "—Whether necessary to show sufficient grounds for successful passing-off action—Trade Marks Act, 1938, s. 11.
Berlei (U.K.) Ltd. v. Bali Brassiere Co. Inc., H.L.(E.) [1969] 1 W.L.R. 1306.

Rectification of register

Machine bearing word " Diehl " manufactured abroad—Importer of machine with sole agency—Importer's advertising and stationery linking own name with " Diehl "—Registration of trade mark, " Diehl " in importer's own name—No objection by manufacturer—Termination of agency agreement—Manufacturer now wishing to sell own machines " Diehl "—Application for rectifiction—Whether constructive trust—Trade Marks Act, 1938, ss. 11, 32.
In re **Diehl K.G.'s Application,** Buckley J. [1970] 2 W.L.R. 944.

TRADE UNION. (*See also* MAINTENANCE OF SUIT; TRADE DISPUTE.)

Collective agreement

Unions' and employers' joint negotiating committee

Regulation of procedure and conditions of employment—Agreement reached against background of opinion adverse to enforceability—No expressed intention to create legal contract—Whether legally enforceable agreement.
Ford Motor Co. Ltd. v. Amalgamated Union of Engineering and Foundry Workers, Geoffrey Lane J. [1969] 2 Q.B. 303; [1969] 1 W.L.R. 339.

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Overtime

Policy of union that overtime optional—Refusal to do overtime—Whether act " to the detriment of the interests of the union "—Branch committee's decision binding pending appeal—Appeal to final appeal court withheld—Subsequent charges of failing to implement branch committee's decision—Whether branch committee's decision ultra vires—Validity of proceedings.
Silvester v. National Union of Printing, Bookbinding and Paper Workers, Goff J. (1966) 1 K.I.R. 609.

Expulsion

Amalgamation of unions

Pending appeal—Provision for appeal from executive decision to expel member—Rules providing for appeal to be heard at specified time—Expelled member setting down notice of appeal—Union amalgamating with another union before appeal heard—New rules for amalgamated unions not covering pending appeals—Expelled member's appeal not heard at specified date—Attempt by new executive to provide for later hearing of pending appeals—Validity—Whether expulsion should be set aside.
Braithwaite v. Electrical Electronic and Telecommunication Union—Plumbing Trades Union, C.A. [1969] 2 All E.R. 859; 6 K.I.R. 169.

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Charge against member not proven before committee—Appeal to council by committee member—Member charged not advised of appeal or given opportunity to defend—Breach of requirements of natural justice—Construction of union rules—Right of appeal on disciplinary charge—Whether available to any member or only to person charged—Jurisdiction of court where breach of natural justice to intervene in matters before domestic tribunal. **Hiles v. Amalgamated Society of Woodworkers,** Stamp J. [1968] Ch. 440; [1967] 3 W.L.R. 896.

Charges and conviction of offences against specified union rules—No charge in respect of rule under which expulsion ordered—Necessity for notice of charge under that rule—Construction of rules—Breach of requirements of natural justice.
Annamunthodo v. Oilfield Workers' Trade Union, P.C. [1961] A.C. 945; [1961] 3 W.L.R. 650.

District council committee opposing use of part-time postmen contrary to union's national agreement — Decision of executive council to expel district committee members — No notification of charge or opportunity to defend—Breach of requirements of natural justice —Construction of union rules—Power to expel if not a fit and proper person in "opinion" of executive council—Whether rules of natural justice applicable—Jurisdiction of court to intervene to grant relief before domestic appeal remedies exhausted.
Lawlor v. Union of Post Office Workers, Ungoed-Thomas J. [1965] Ch. 712; [1965] 2 W.L.R. 579.

Member's alleged arrears of contributions—Exclusion from union by branch committee without member's knowledge—Want of natural justice—Full hearing by appeals council —Whether earlier want of natural justice cured by appeals hearing.
Leary v. National Union of Vehicle Builders, Megarry J. [1970] 3 W.L.R. 434.

Membership

Rules

Restraint of trade—No person "convicted in a court of law of a criminal offence eligible for membership"—Conviction in Jersey in 1938 discovered in 1958—Whether plaintiff a member—Certainty of rule—Trade Union Act, 1871, s. 3.
Faramus v. Film Artistes' Association, C.A. [1963] 2 Q.B. 527; [1963] 2 W.L.R. 504.
H.L.(E.) [1964] A.C. 925; [1964] 2 W.L.R. 126.

Union of employees "engaged in the technical side of film production"—Whether managing directors of a film-producing company eligible for membership—Trade Disputes Act, 1906, s. 4 (1).
Boulting v. Association of Cinematograph, Television and Allied Technicians, C.A. [1963] 2 Q.B. 606; [1963] 2 W.L.R. 529.

Wrongful termination

Temporary member wrongly deprived of union card and dismissed from union shop—Assessment of damages—On appeal, union's undertaking to grant full membership—Effect on estimate of future loss.
Edwards v. Society of Graphical and Allied Trades, C.A. [1970] 3 W.L.R. 713.

Official

Dismissal of

Liability of official to dismissal at will of executive council or by general secretary for insubordination—Alleged insubordination—Disability in union if dismissed for misconduct—Appeal to executive council—General secretary in role of prosecutor and chairman—Duty of council to act judicially—No opportunity given to answer prejudicial and irrelevant matters ventilated whilst absent—Whether council biased—Applicability of rules of natural justice—Whether union entitled to treat member as dismissed for misconduct.
Taylor v. National Union of Seamen, Ungoed-Thomas J. [1967] 1 W.L.R. 532.

Refusal to endorse election

Union member elected shop steward—District committee's refusal to endorse member's election—Protest by member considered by committee—Reasons for refusal given—Whether committee exercising judicial or quasi-judicial function—Natural justice—Whether committee's decision valid.
Breen v. Amalgamated Engineering Union, Cusack J. [1970] 2 All E.R. 179.

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Alteration of

Validity—Rules providing union property to be held by three individual trustees—Alteration of rules to permit promotion of nominee company to hold union's investments but management to remain with individual trustees—Object of amendment to reduce administrative burden and expense on a change of trustees—Amendment passed by union but registration refused by Registrar of Friendly Societies—No dichotomy of management and holding functions permitted by statute—Whether alteration in contravention of statutory provisions governing trade unions—Trade Union Act, 1871, ss. 8, 9, 14.
National Union of Railwaymen v. Registry of Friendly Societies, Pennycuick J. [1968] 1 W.L.R. 69.

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Member's nomination for presidency refused—Eligibility—Whether discretion in general secretary to review nominations—Application to court for interlocutory relief—Whether recourse should be had first to domestic remedies under the rules—Whether ouster of court's jurisdiction.
Leigh v. National Union of Railwaymen, Goff J. [1970] Ch. 326; [1970] 2 W.L.R. 60.

Printing trade—Offer of vacancies to returning out-of-trade member—Much of work traditionally casual—Union's policy to offer regular vacancies to returning members—Whether obligation to offer casual vacancies—Whether returning member "out of employment"—Dispute over offer of vacancies—Whether breach of contractual agreement concerning "conditions on which . . . members . . . shall . . . be employed"—Trade Union Act, 1871, s. 4 (1).
Andrews v. National Union of Printing, Bookbinding and Paper Workers, Megaw J. (1968) 4 K.I.R. 121.

Provision of legal assistance to member "if on inquiry . . . district secretary . . . is satisfied that . . . member should take legal action"—Official not so satisfied and member informed—Failure to commence action within three years—Subsequent claim in contract against union and district secretary and in tort against official for breach of duty of care—Duty of district secretary—Whether member must show prospect of success in original action. **Buckley v. National Union of General and Municipal Workers,** Nield J. (1967) 4 K.I.R. 277.

Provision of legal assistance to members under union rules—Member's accident at work—Injured member's account of accident passed by union to experienced solicitor handling member's claims—Advice of solicitor that material disclosed no cause of action—Advice passed by union to member and accepted by him—Later query on claim reopened—Member's action for negligence against union—Standard of duty of union—Whether that of solicitor to client—Whether duty fulfilled.
Cross v. British Iron, Steel and Kindred Trades Association, C.A. [1968] 1 W.L.R. 494.

Validity

Rule giving unfettered power to deprive temporary member of union card—No provision for natural justice or right of appeal—Loss of union membership affecting right to work—Whether void as in restraint of trade—Whether ultra vires.
Edwards v. Society of Graphical and Allied Trades, C.A. [1970] 3 W.L.R. 713.

Suspension of member

Right of action

Declaratory relief sought—Suspension period nearly over at the date of trial—Good ground of complaint when action instituted involving substantial legal issues—Discretionary power of the court to grant declaratory relief.
Gibson v. Union of Shop, Distributive and Allied Workers, Buckley J. [1968] 1 W.L.R. 1187.

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Whether injunction available—Trade Disputes Act, 1906, s. 4 (1).
Boulting v. Association of Cinematograph, Television and Allied Technicians, C.A. [1963] 2 Q.B. 606; [1963] 2 W.L.R. 529.

Trustees

Powers

Action concerning property of union—Internal union dispute—Whether trustees entitled to instruct solicitors to represent union—Trade Union Act, 1871, s. 9.
Keys v. Boulter, C.A. [1970] 3 W.L.R. 1046.

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Powers of Railway Board

Construction—Manufacture of rolling stock with view to sale for use on nationalised track by private commercial users — Whether ultra vires — Discretion of board as business person—Transport Act, 1962, ss. 1, 3 (1), 13 (1) (6) (8), 14 (1).
Charles Roberts & Co. Ltd. v. British Railways Board, Ungoed-Thomas J. [1965] 1 W.L.R. 396.

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Projection of crane's jib—Interlocutory injunction—Continuation of crane's use a practical necessity—Exercise of court's discretion to grant injunction and suspend its operation.
Woollerton and Wilson Ltd. v. Richard Costain Ltd., Stamp J. [1970] 1 W.L.R. 411.

TRESPASS—*continued.*

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Whether duty to maintain cattle-proof fence to prevent neighbour's cattle straying—Whether duty running with land—Whether established.
Jones v. Price, C.A. [1965] 2 Q.B. 618; [1965] 3 W.L.R. 296.

Whether duty to maintain fence to prevent neighbour's sheep straying—Whether defence to sheep trespass—Law of Property Act, 1925, s. 62 (1).
Crow v. Wood, C.A. [1970] 3 W.L.R. 516.

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Act of state

No defence to action in tort by British subject. **Nissan v. Attorney-General,**
John Stephenson J. [1968] 1 Q.B. 286; [1967] 3 W.L.R. 109.
C.A. [1968] 1 Q.B. 286; [1967] 3 W.L.R. 1044.
H.L.(E.) [1970] A.C. 179; [1969] 2 W.L.R. 926.

Jus tertii

Title to goods not in plaintiff or defendant—Motor car bought by both in good faith—Car left by plaintiff at garage for repairs—Plaintiff monthly credit terms with garage—Removal of car from garage by defendants—Subsequent delivery of car by defendants to true owner—Whether car in possession of plaintiff—Whether garage a lien—Whether defendants liable in trespass.
Wilson v. Lombank Ltd., Hinchcliffe J. [1963] 1 W.L.R. 1294.

Trespass ab initio

Doctrine of relation back applies—Whether applicable in 1967—Police seizure of goods under mistaken but reasonable belief that stolen—Whether trespass.
Chic Fashions (West Wales) Ltd. v. Jones, C.A.
[1968] 2 Q.B. 299; [1968] 2 W.L.R. 201.

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Unintentional act

Trespass to the person—Sunbather run over by motor car—Whether cause of action in trespass or negligence—Whether actual damage necessary ingredient—Whether "breach of duty" on part of driver—Limitation of action.
Letang v. Cooper, Elwes J. [1964] 2 Q.B. 53; [1964] 2 W.L.R. 642.
C.A. [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573.

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Privacy, invasion of

Access to premises

Garden gate to front door—Whether implied licence to enter garden and knock at door—Reasonable time to withdraw after licence revoked.
Robson v. Hallett, Divl.Ct. [1967] 2 Q.B. 939; [1967] 3 W.L.R. 28.

Alleged mental patient

Right to punch police officer in the face—Nose broken—Whether justifiable.
Townley v. Rushworth, Divl.Ct. (1964) 62 L.G.R. 95.

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Injury on private level crossing

Extent of occupier's duty to trespasser.
Comr. for Railways v. Quinlan, P.C. [1964] A.C. 1054; [1964] 2 W.L.R. 817.

Right of entry

Execution

Bailiff—Unfastened door—Entry physically resisted by execution debtor.
Vaughan v. McKenzie, Divl.Ct. [1969] 1 Q.B. 557; [1968] 2 W.L.R. 1133.

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Bailiff—Landlord—Right to enter by ordinary means.
Southam v. Smout, C.A. [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606.

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Bar Council—Status—Functions. **Lincoln v. Daniels,** C.A. [1962] 1 Q.B. 237;
[1961] 3 W.L.R. 866.

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Expulsion from trade union—Decision of appeal tribunal to be "final and binding"——Whether court entitled to find original expulsion ultra vires.
Annamunthodo v. Oilfield Workers' Trade Union, P.C. [1961] A.C. 945; [1961] 3 W.L.R. 650.

————————Power to expel member if not a fit and proper person in "opinion" of executive council. **Lawlor v. Union of Post Office Workers,** Ungoed-Thomas J. [1965] Ch. 712; [1965] 2 W.L.R. 579.

Jurisdiction

Industrial court sitting as arbitral tribunal—Reference by Ministry of Labour—Contract—Stipulating contractor's observance of Fair Wages Resolution—Complaint by person not a party to the contract—Whether statutory reference—Whether reference to private constitutions — Whether tribunal properly constituted — Whether industrial court independence tribunal—Industrial Courts Act, 1919, s. 1.
Reg. v. Industrial Court, *Ex parte* **A.S.S.E.T.,** Divl.Ct. [1965] 1 Q.B. 377; [1964] 3 W.L.R. 680.

Jurisdiction

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No power for parties to impose jurisdiction on court.
Heyting v. Dupont, Plowman J. [1963] 1 W.L.R. 1192.
C.A. [1964] 1 W.L.R. 843.

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Industrial tribunal—Redundancy—Claimant intending to appear and be represented at hearing—Knowledge of tribunal that claimant and representative unable to appear—No request for adjournment—Decision to proceed—Whether wrongful exercise of discretion—Whether a point of law subject to appeal—Industrial Tribunals (Redundancy Payments) Regulations, 1967, Sch. 8 (3).
Priddle v. Fisher & Sons, D.C. [1968] 1 W.L.R. 1478.

When time starts to run—Industrial Tribunals (Selective Employment Payments) Regulations, 1966, Sch., para. 8—R.S.C. (Rev. 1965), Ord. 55, r. 4.
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Functions. **Reg. v. Deputy Industrial Injuries Comr.,** *Ex parte* **Jones,** Divl.Ct. [1962] 2 Q.B. 677; [1962] 2 W.L.R. 1215.

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Metropolitan Properties Co. (F.G.C.) Ltd. v. Lannon, C.A. [1969] 1 Q.B. 577; [1968] 3 W.L.R. 694.

Declaration—Challenge to validity of inferior tribunal's construction of statute—Originating summons appearing to challenge tribunal's findings of fact—Application to strike out summons as frivolous and vexatious—Procedure by originating summons for declaration limited to challenge to tribunal's decision on construction of statute appropriate alternative to motion for certiorari—Amended summons not struck out—R.S.C., Ord. 54A, r. 1A.
Punton v. Ministry of Pensions and National Insurance, C.A. [1963] 1 W.L.R. 186.

————Foreign Compensation Commission—Determination—Construction of Order in Council—Whether error within jurisdiction—Tribunal's power to determine but not to enforce—Whether party to action for declaration—Whether jurisdiction in court to entertain proceedings—Foreign Compensation Act, 1950, s. 4 (4).
Anisminic Ltd. v. Foreign Compensation Commission,
C.A. [1968] 2 Q.B. 862; [1967] 3 W.L.R. 382.
H.L.(E.) [1969] 2 A.C. 147; [1969] 2 W.L.R. 163.

Procedure—Town planning inquiry—Letter admitted as evidence—Untested by cross-examination—Whether contrary to natural justice.
T. A. Miller Ltd. v. Minister of Housing and Local Government, D.C. (1967) 66 L.G.R. 285; C.A. [1968] 1 W.L.R. 992.

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Industrial Disputes Tribunal. See TRADE DISPUTE.

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Disciplinary board—Jurisdiction to consider allegation of criminal offence—Professional misconduct by architect—Building Ordinance (Hong Kong) (No. 68 of 1955).
In re **Chien Sing-Shou,** P.C. [1967] 1 W.L.R. 1155.

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Income tax—Appeal from commissioner to Board of Review—Whether Board of Review exercising judicial function or administrative function—Whether members of Board of Review "servants of the Crown"—Crown Proceedings Act, 1947, s. 2 (5)—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., c. 379), s. 3—Income Tax Ordinance, 1932 (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 11 (1) (*a*) (7), 15, 36 (1), 37, 43 (3), 56, 73, 74, 75, 76, 77, 78.
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Income Tax Commissioner—Whether exercising judicial or administrative function—Income Tax Ordinance, 1932 (Legislative Enactments of Ceylon, 1956 Rev., c. 242), ss. 2, 3, 23, 58, 73, 80, 90, 92—Ceylon (Constitution) Order in Council, 1946 (Legislative Enactments of Ceylon, 1956 Rev., c. 379), arts. 3, 53, 55, 58, 60.
Ranaweera v. Wickramasinghe, P.C. [1970] A.C. 951; [1970] 2 W.L.R. 491.

Labour tribunal sitting as industrial court—Whether tribunal's powers and duties same as arbitrator's on a reference of an industrial dispute—Whether tribunal restricted to giving effect to legal rights or able to make such order as may appear to it to be just and equitable—Whether orders by tribunal judgments or administrative orders.
United Engineering Workers' Union v. Devanayagam, P.C. [1968] A.C. 356; [1967] 3 W.L.R. 461.

To determine facts or law establishing own jurisdiction—Lands Tribunal—Modification of covenants—Law of Property Act, 1925, s. 84 (1) (2).
In re **Purkiss' Application,** C.A. [1962] 1 W.L.R. 902.

To determine own jurisdiction—Question outside jurisdiction determined by consent of parties—Effect.
Essex Incorporated Congregational Church Union v. Essex County Council, H.L.(E.) [1963] A.C. 808; [1963] 2 W.L.R. 802.

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Whether adequate—Whether inadequacy error on face of record—Tribunals and Inquiries Act, 1958, s. 12 (1) (3). *In re* **Poyser and Mills' Arbitration,** Megaw J. [1964] 2 Q.B. 467; [1963] 2 W.L.R. 1309.

TRIBUNAL OF INQUIRY

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Contempt

Inquiry into security matters connected with spying offences—Refusal by witness to answer question—Referred to High Court, to be dealt with as if guilty of contempt of High Court—Tribunals of Inquiry (Evidence) Act, 1921, s. 1 (2) (*b*).
Attorney-General v. Clough, Lord Parker C.J. [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343.
Attorney-General v. Mulholland. Attorney-General v. Foster, C.A. [1963] 2 Q.B. 477; [1963] 2 W.L.R. 658.

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Industrial disputes

Curtailment of right to strike—System of compulsory arbitration—Right of entry on premises—Court's power of non-disclosure of information—Whether ultra vires Constitution of Trinidad and Tobago—Trinidad and Tobago (Constitution) Order in Council, 1962—Industrial Stabilisation Act, 1965.
Collymore v. Attorney-General, P.C. [1970] A.C. 538; [1970] 2 W.L.R. 233.

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Police

Power of arrest—Arrest without warrant of any person having in "any place" anything reasonable cause to suspect stolen—Special power to be applied strictly and used with caution—Authority to enter premises—Summary Offences Ordinance (Laws of Trinidad and Tobago), s. 36. **Felix v. Thomas,** P.C. [1967] 1 A.C. 292; [1966] 3 W.L.R. 902.

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Income tax

Assessment deduction—Wife's deed of covenant for benefit of children—Whether annual payment under deed deductible from assessment of husband's income—Whether wife the "disponer"—"Including"—Income Tax Ordinance, ss. 10 (1) (*f*), 12, 18, 34 (2).
Reynolds v. Comr. of Income Tax, P.C. [1967] 1 A.C. 1; [1966] 2 W.L.R. 408.

TRUST FOR SALE

Land

Beneficiary's interest

Mortgage of land held on trust for sale—Separate charging orders by judgment creditor against joint beneficial owners—Whether judgment creditor entitled to pay amount outstanding on mortgage and redeem mortgage—Whether beneficiary's interest under trust for sale of land an "interest in land" or interest in proceeds of sale—Administration of Justice Act, 1956, s. 35 (1) (3).

Irani Finance Ltd. v. Singh, Buckley J. [1970] 2 W.L.R. 117.

Sale of trust property

Claim for possession

Direction for sale of house and division of proceeds—Whether beneficiaries tenants in common—Beneficiary residing in house—Whether legal owner entitled to possession.

Barclay v. Barclay, C.A. [1970] 2 Q.B. 677; [1970] 3 W.L.R. 82.

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Bankruptcy of joint tenant—Application by trustee in bankruptcy for order for sale—Husband and wife—Rights of wife against trustee in bankruptcy—Law of Property Act, 1925, s. 30. *In re* **Solomon, A Bankrupt,** *Ex parte* **Trustee of the Property of the Bankrupt v. Solomon,** Goff J. [1967] Ch. 573; [1967] 2 W.L.R. 172.

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Residence

Life tenant permitted to reside in house—House to be transferred to remainderman if he desired it—Whether settled land or trust for sale—Whether consent of remainderman required to sale—Law of Property Act, 1925, s. 20 (1).

In re **Herklots' Will Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 583.

TRUSTEE SAVINGS BANK

Party to action, as

Tort by

Conversion—London Trustee Savings Bank joined as fifth defendant to action against four trustees—Whether trustee savings bank can be sued in own name in tort—Trustee Savings Banks Act, 1863—Trustee Savings Banks Act, 1954, ss. 9 (8) proviso, 24 (2)—Trustee Savings Banks Act, 1958, s. 5 (9)—Trustee Savings Banks Act, 1964.

Knight & Searle v. Dove, Mocatta J. [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50.

TRUSTS. (*See also* SETTLEMENT; WILL.)

Advance by trustee to trust

Trustee's rights

Whether advance a "loan"—Equitable rights.

De Vigier v. Inland Revenue Comrs., H.L.(E.) [1964] 1 W.L.R. 1073.

Appointment of new trustee

Vesting of legal estate

Personal representative sole surviving trustee—No written assent vesting legal estate in trustees—Deed of appointment of new trustee—Whether written assent necessary—Trustee Act, 1925, s. 40. *In re* **King's Will Trusts,** Pennycuick J. [1964] Ch. 542; [1964] 2 W.L.R. 913.

Beneficiary, rights of

Information, to

Documents relating to trust—Discretionary powers—Exercise—Minutes of trustees' meetings—Correspondence between trustees, settlor and solicitors—Documents prepared for meetings—Whether documents must be disclosed to beneficiary—Meaning of "trust document."

In re **Londonderry's Settlement,** Plowman J. [1964] Ch. 594; [1964] 3 W.L.R. 246.
C.A. [1965] Ch. 918; [1965] 2 W.L.R. 229.

Breach of trust

Consent of beneficiary

Whether beneficiary entitled to relief against trustees—Advancement to beneficiary—Payment to third party.

In re **Pauling's Settlement Trusts,** Wilberforce J. [1962] 1 W.L.R. 86.
C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

Fraudulent sale of trust property

By tenant for life—Trustees' claim for damages for conversion—Concealed fraud—Whether claim statute-barred—Limitation Act, 1939, s. 26.

Eddis v. Chichester Constable, Goff J. [1969] 1 W.L.R. 385.

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Breach of trust—*continued.*

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Right of trustee to impound after retiring—Marriage settlement—Advancement to beneficiaries in breach of trust—Court order for restoration to trust fund—Application to court for appointment of new trustees—Whether such appointment would affect right of trustees to impound interest of tenant for life of settlement—Whether trustee able to insist on remaining trustee until exercise of right to impound—Trustee Act, 1925, ss. 41, 62. *In re* **Pauling's Settlement Trusts (No. 2),** Wilberforce J. [1963] Ch. 576; [1963] 2 W.L.R. 838.

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Purchases of property out of blended fund—Whether beneficiary entitled to share in capital appreciation. *In re* **Tilley's Will Trusts,** Ungoed-Thomas J. [1967] Ch. 1179; [1967] 2 W.L.R. 1533.

Professional trustees

Trustees' duty in conflict with interest—Whether entitled to relief—Trustee Act, 1925, s. 61. *In re* **Pauling's Settlement Trusts,** C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

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Construction. *See* POWER OF APPOINTMENT; SETTLEMENT; WILL.

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Knowledge of claim—Whether constructive trust. **Carl Zeiss Stiftung v. Herbert Smith & Co. (No. 2),** C.A. [1969] 2 Ch. 276.

Contingent interest

Intermediate income

Whether payable to remainderman—Contrary intention in will—Trustee Act, 1925, s. 31 (1) (ii). *In re* **Geering, decd.,** Cross J. [1964] Ch. 136; [1962] 3 W.L.R. 1541.

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Bank

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H.L.(E.) [1970] A.C. 567; [1968] 3 W.L.R. 1097.

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Disability of trustee

Vesting order

Vesting trust assets in remaining trustees—Continuing trust—No immediate difficulty facing trustees—Whether jurisdiction to vest assets in remaining trustees without removing trustee under disability—Circumstances in which vesting order would be made—Trustee Act, 1925, ss. 44, 51. *In re* **Harrison's Settlement Trusts,** Cross J. [1965] 1 W.L.R. 1492.

Discretion of trustees

Control by court

Discretionary trust of residue—Trustees not agreed on application of income—Whether trustees could surrender discretion to court—Discretionary trust to "apply the income . . . for the maintenance of [testatrix's] . . . husband and subject to the . . . discretion upon trust for my two godchildren"—Whether income to be applied for maintenance of husband and two godchildren subject to maintenance of husband. *In re* **Allen-Meyrick's Will Trusts,** Buckley J. [1966] 1 W.L.R. 499.

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All surplus income to be distributed—Whether objects had "interest" and interest in possession terminable on death of beneficiary. **Sainsbury v. Inland Revenue Comrs.,** Ungoed-Thomas J. [1970] Ch. 712; [1969] 3 W.L.R. 760.

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Discretionary—*continued.*

Duration

Trust for "one or more of husband and wife and children or remoter issue of marriage" where no children—Whole income to be distributed—Death of penultimate beneficiary—Effect upon trust—Whether survivor takes income under same trusts—Whether life-tenancy arises. *In re* **Weir's Settlement Trusts,** C.A. [1969] 3 W.L.R. 860.

Power of selection

Fund for employees—Trustees "shall" apply income—Trustees not bound to exhaust income of any year—Power to apply accumulations as though income—If trust, void for uncertainty—If power, possibly void—Whether trust or power—Whether same or different test applicable in determining validity.
In re **Baden's Deed Trusts,** C.A. [1969] 2 Ch. 388; [1969] 3 W.L.R. 12.
H.L.(E.) [1970] 2 W.L.R. 1110.

Insurance policy moneys—Trust for benefit of such one or more of class as trustees in absolute discretion "shall decide"—Wife, children or other issue or such persons as had a "moral claim" on deceased—"Failing them" for statutory next-of-kin—Whether duty to select—Whether discretionary power—Whether void for uncertainty—Whether power to create interests outside perpetuity period—Premiums on policy paid by employing company—Assured employee's salary reduced by amount of premium—Forfeiture of benefits to advantage of company in certain circumstances—Whether trust for estate of deceased employee—Whether resulting trust for company.
In re **Leek, decd.,** Buckley J. [1967] Ch. 1061; [1967] 3 W.L.R. 576.
C.A. [1969] 1 Ch. 563; [1968] 2 W.L.R. 1385.

Release by object by deed and for valuable consideration

Effect. *In re* **Gulbenkian's Settlements (No. 2),** Plowman J. [1970] Ch. 408; [1969] 3 W.L.R. 450.

Validity

Power of selection—Fund for ascertainable class—Trustees "shall" apply income—Trustees not bound to exhaust income of any year—Trustees' power to apply accumulations as though income—Whether trust or power.
In re **Baden's Deed Trusts,** Goff J. [1967] 1 W.L.R. 1457.

"Disposition" required to be in writing. *See* ASSIGNMENT **(Equitable).**

Distribution of assets

Allotment association

Under rules of association "members" to include "shareholders" and "allotment holders"—Allotment holder's membership to cease if rent in arrears, unless extenuating circumstances approved by committee—Restricted shareholdings carrying right to periodic payments—Association moribund since 1961—No payments by or to members and no meetings held—Land sold in 1967—Some plots still cultivated till 1966, and not relinquished then—Whether allotment holders entitled to share in distribution—Whether distribution to shareholders to be per capita or rateably according to number of shares held. *In re* **St. Andrew's Allotment Association,** Ungoed-Thomas J. [1969] 1 W.L.R. 229.

Distribution of fund

Appropriation to beneficiary

Distribution of part of interest in specie—Whether distribution to be treated as of a specific fraction of fund or as cash equivalent.
In re **Gollin's Declaration of Trust,** Buckley J. [1969] 1 W.L.R. 1858.

Fund for dependants of subscribers

Revenue also derived from outside sources—Closing of fund—Whether resulting trust for members—Whether resulting trust for donors—Whether bona vacantia.
In re **West Sussex Constabulary Widows, Children and Benevolent (1930) Fund Trusts,** Goff J. [1970] 2 W.L.R. 848.

Impossible contingency

Woman incapable of childbearing.
In re **Pettifor's Will Trusts,** Pennycuick J. [1966] Ch. 257; [1966] 2 W.L.R. 778.

Forfeiture clause

If number of employees subscribing less than 75 per cent.

"At the rate of twopence per week per man"—Whether confined to men—Law of Property Act, 1925, s. 61.
In re **Denley's Trust Deed,** Goff J. [1969] 1 Ch. 373; [1968] 3 W.L.R. 457.

Formation

Disposition to trustees

Trustee of company acting as trustee of family settlement—Transfer to company of option to purchase shares—Whether option held upon resulting trust in favour of settlor. **Vandervell v. Inland Revenue Comrs.,** Plowman J. and C.A. [1966] Ch. 261; [1965] 2 W.L.R. 1085.
H.L.(E.) [1967] 2 A.C. 291; [1967] 2 W.L.R. 87.

TRUSTS—*continued.*

Hospital. *See* NATIONAL HEALTH.

Howe v. Lord Dartmouth, rule in

Trust for conversion with power to postpone

Hotel business carried on by trustees until sale—Unauthorised investment—Whether life tenant entitled to profits of business.
In re **Berry, decd.**, Pennycuick J. [1962] Ch. 97; [1961] 2 W.L.R. 329.

Impossibility of performance

Charitable bequest

Bequest to "Angus County Council . . . to assist boys . . . to continue their education at a secondary school"—County council's local educational authority bound to provide free education—Whether bequest valid—Education (Scotland) Act, 1946.
In re **Mackenzie, decd.**, Pennycuick J. [1962] 1 W.L.R. 880.

Unascertainable class—Gift of residuary estate to trustees with powers and trusts in favour of beneficiaries, or some of them—Class of beneficiaries defined to include objects clearly charitable but also "such other organisation or body not being registered as a charity but in the opinion of my trustees as having charitable objects"—Whether void for uncertainty or otherwise—Distinction between validity of power and of trust in such circumstances. *In re* **Wootton, decd.**, Pennycuick J. [1968] 1 W.L.R. 681.

Investments authorised. (*See also* WILL (**Construction**).)

Construction

Power to trustees to invest "in any shares stocks property or property holding company as the trustees in their discretion shall consider to be in the best interest of" the beneficiary—Whether power to invest unlimited.
In re **Peczenik's Settlement Trusts**, Buckley J. [1964] 1 W.L.R. 720.

Judicial trustee

Appointment

Application by beneficiary under a will—Executors appointed to administer whole of deceased's estate—Conflict of interest and duty as to part—Whether judicial trustee can be appointed of part of estate—Court's discretion to appoint judicial trustee of estate as a whole—Judicial Trustees Act, 1896, s. 1 (1) (2).
In re **Wells, decd.**, Goff J. [1968] 1 W.L.R. 44.

Maintenance of infant

Accumulation

Fluctuating class of infant beneficiaries—Contingent interest in capital and income of trust funds—Correct method of allocation between beneficiaries—Whether Apportionment Act, 1870, applies—How accumulations of income under section 31 (2), Trustee Act, 1925, affected by a change in class of beneficiaries—Trustee Act, 1925, s. 31—Apportionment Act, 1870, ss. 2, 4, 7.
In re **Joel's Will Trusts**, Goff J. [1967] Ch. 14; [1966] 3 W.L.R. 209.

Intention to exclude section 31

Future gift—Will—Trustee Act, 1925, ss. 31 (1) (ii), 69 (2).
In re **McGeorge, decd.**, Cross J. [1963] Ch. 544; [1963] 2 W.L.R. 767.

Vesting order

Power of court to appoint person to execute assurance barring entailed interest of infant—Trustee Act, 1925, s. 53.
In re **Bristol's Settled Estates**, Buckley J. [1965] 1 W.L.R. 469.

Oral

Voluntary transfer of land

Donor understood donee to hold for her but in his name—No written declaration of trust—Whether donee entitled to exclude parol evidence of trust—Law of Property Act, 1925, s. 53 (1) (*b*). **Hodgson v. Marks**, Ungoed-Thomas J. [1970] 3 W.L.R. 956.

Power of advancement

Contrary intention

Direction to accumulate income—Trustee Act, 1925, ss. 32 (1), 69 (2).
Inland Revenue Comrs. v. Bernstein, C.A. [1961] Ch. 399; [1961] 2 W.L.R. 143.

Express power of advancement of specified amount—Whether statutory power of advancement excluded—Whether both powers co-exist—Whether implied intention to exclude statutory power—Trustee Act, 1925, s. 32.
In re **Evans's Settlement**, Stamp J. [1967] 1 W.L.R. 1294.

Whether power to advance land—Power of advancement excluded for purposes connected with business—Tenant of farm carrying on business of farmer—Proposed conveyance of farm to tenant for purpose of minimising death duties—Whether power to convey farm by way of advancement—Whether for purpose connected with business—Trustee Act, 1925, s. 32.
In re **Collard's Will Trusts**, Buckley J. [1961] Ch. 293; [1961] 2 W.L.R. 415.

TRUSTS—*continued.*

Power of advancement—*continued.*

Exercise of power

Payment to third party—Consent of beneficiary—Whether valid exercise of power.
In re **Pauling's Settlement Trusts,** Wilberforce J. [1962] 1 W.L.R. 86.

Resettlement—Limitations rendered invalid by operation of perpetuity rule—Character of settlement altered—Whether power validly exercised.
In re **Abrahams' Will Trusts,** Cross J. [1969] 1 Ch. 463; [1967] 3 W.L.R. 1198.

Settlement—Power to advance for beneficiary's absolute use—Whether power fiduciary—Particular purpose specified—Duty of trustee.
In re **Pauling's Settlement Trusts,** C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

————Power to raise capital for advancement or benefit of beneficiary in such manner as the trustees in their absolute discretion should think fit—Large trust fund—Moral obligation of beneficiary to make donations to charity—Obligation recognised by beneficiary—Proposal by trustees to pay one-seventh of beneficiary's share to charity—Whether valid exercise of power of advancement—Advancement—For purpose of charitable donation by beneficiary.
In re **Clore's Settlement Trusts,** Pennycuick J. [1966] 1 W.L.R. 955.

Statutory power—Fund held on trust for beneficiary for life and after his death for such of his children or remoter issue as he should appoint—Settlement for the benefit of infant child of beneficiary—Advancement of moiety of infant's expectant share on trusts of new settlement—Avoidance of death duties—Whether advancement for benefit of object of power—Whether rule against perpetuities infringed—Whether valid exercise of power of advancement—Trustee Act, 1925, s. 32.
In re **Pilkington's Will Trusts,** C.A. [1961] Ch. 466; [1961] 2 W.L.R. 776.
H.L.(E.) [1964] A.C. 612; [1962] 3 W.L.R. 1051.

Power of appointment. *See* POWER OF APPOINTMENT.

Proceedings by beneficiary against trustees

Practice

Allegations of breach of trust—Whether proceedings properly instituted by originating summons—Whether by writ—R.S.C. (Rev. 1965), Ord. 5, r. 4.
In re **Sir Lindsay Parkinson & Co. Ltd. Settlement Trusts,**
Buckley J. [1965] 1 W.L.R. 372.

Proceedings by trustee against beneficiary

Practice

Application for directions whether to take proceedings against beneficiary—Whether proposed defendants entitled to see plaintiff's evidence—Whether entitled to be in court and participate in discussion.
In re **Eaton, decd.,** Wilberforce J. [1964] 1 W.L.R. 1269.

Profit by trustee from trust

Company director

Fiduciary duty to company—Membership of trade union of employees—Whether breach of duty—Whether unlawful.
Boulting v. Association of Cinematograph, Television and Allied Technicians,
C.A. [1963] 2 Q.B. 606; [1963] 2 W.L.R. 529.

Custodian trustee

Funds for providing pensions to employees—Insurance company appointed custodian trustee—Scheme for group insurance policy—Whether insurance company entitled to retain profits—Whether sanction of court for scheme necessary.
In re **Brooke Bond & Co. Ltd.'s Trust Deed,** Cross J. [1963] Ch. 357;
[1963] 2 W.L.R. 320.

Interest on beneficiary's money

Ownership—Solicitor and client. **Brown v. Inland Revenue Comrs.,**
H.L.(Sc.) [1965] A.C. 244; [1964] 3 W.L.R. 511.

Liability to account

Agents for trust—Acquisition of valuable knowledge by virtue of fiduciary relationship—Use of trust property for personal profit—Opportunity for profitable share purchase—Self-appointed agents—Whether valid consent given to retention of profit—Insufficient disclosure to beneficiary. **Phipps v. Boardman,** Wilberforce J. [1964] 1 W.L.R. 993.
C.A. [1965] Ch. 992; [1965] 2 W.L.R. 839.
H.L.(E.) [1967] 2 A.C. 46; [1966] 3 W.L.R. 1009.

Trust property purchased by trustee

Acquiescence—Purported renunciation by executor in order to purchase trust property—Beneficiary objecting to purchase on grounds other than sale to trustee—Beneficiary instructing solicitor for that purpose—Purchase by renouncing executor—Payment to beneficiary—Trustee's inability to purchase trust property subsequently raised—Whether acquiescence by beneficiary—Whether appreciation of legal consequences of known facts necessary—Conduct of beneficiary to be taken into account—Whether beneficiary's position affected by instruction of solicitor on different point—Form of order.
Holder v. Holder, Cross J. [1968] Ch. 353; [1966] 3 W.L.R. 229.
C.A. [1968] Ch. 353; [1968] 2 W.L.R. 237.

TRUSTS—*continued.*

Protective trust

Forfeiture clause

Pension fund payable to husband—Attachment of earnings—Maintenance charged on fund by order of court—Whether husband's interest in fund forfeited.
Edmonds v. Edmonds, Sir Jocelyn Simon P. [1965] 1 W.L.R. 58.

Purpose trust

Trust for non-charitable purposes

Sports ground for benefit of company's employees—Whether ascertainable class—Whether provision as to "other persons" a trust or a power—Whether valid or void for uncertainty — Gift over on failure of trust for employees — Whether sufficiently clear in expression and operation.
In re **Denley's Trust Deed,** Goff J. [1969] 1 Ch. 373; [1968] 3 W.L.R. 457.

Remuneration of trustee

Special expert work

Complex transaction in company's shares by solicitor to trust and beneficiary—Profit by self-appointed agents—Accountability to beneficiary for profit—Whether agents entitled to remuneration for work done.
Phipps v. Boardman, Wilberforce J. [1964] 1 W.L.R. 993.
C.A. [1965] Ch. 992; [1965] 2 W.L.R. 839.
H.L.(E.) [1967] 2 A.C. 46; [1966] 3 W.L.R. 1009.

Resulting trust

Charity. See CHARITY (**Cy-près doctrine**).

Secret trust

Validity

Money paid to trustee inter vivos—Letter, probably of later date, giving trustee directions and stating that other directions given orally—Memorandum by trustee containing statement of wishes said to have been communicated orally by settlor to trustee, with list of charities to be benefited at trustee's discretion annexed—List containing charities suggested either by trustee or by settlor up to date of her death—Terms of trust not to be communicated to beneficiary—Death of trustee—Whether memorandum admissible under section 1 of Evidence Act, 1938—Whether trusts "secret"—Whether purported gifts to trustee as beneficiary and to named charities valid—Whether gift to charity generally intended—Evidence Act, 1938, ss. 1, 2—Law of Property Act, 1925, s. 53 (1) (*c*). *In re* **Tyler,** Pennycuick J. [1967] 1 W.L.R. 1269.

Will—Directions to pay income of fund to persons to be named in sealed letter, not then written and on their deaths to pay income to others—Direction as to sealed letter invalid—Whether subsequent dispositions equally invalid.
In re **Bateman's Will Trusts,** Pennycuick V.-C. [1970] 1 W.L.R. 1463.

Trust for sale. *See* TRUST FOR SALE.

Trustee

Breach of trust

Trust property comprising majority shareholding in private company—Duty of trustees with regard to management of company—Standard of ordinary prudent business man.
In re **Lucking's Will Trusts,** Cross J. [1968] 1 W.L.R. 866.

Purchase of trust property

Rule debarring trustee from purchase—Reasons for—Whether a rule of practice or going to jurisdiction of court. **Holder v. Holder,** C.A. [1968] Ch. 353; [1968] 2 W.L.R. 237.

Trustees unwilling to accept office

Duty of trustees — Terms of trust conflicting with trustees' opinions or convictions — Essential part of settlor's intention that nominated trustees should act—Effect.
In re **Lysaght, decd.,** Buckley J. [1966] Ch. 191; [1965] 3 W.L.R. 391.

Uncertainty

Unascertainable class

Power to appoint to "persons by or with whom G. may be residing"—Validity.
In re **Gulbenkian's Settlements,** H.L.(E.) [1970] A.C. 508; [1968] 3 W.L.R. 1127.

Uncertainty, void for. (*See also* POWER OF APPOINTMENT; WILL (**Construction**).)

Discretionary power to select

Power coupled with duty—Benefit of one or more of wife, children or other issue or persons as trustees consider to have a "moral claim" on deceased—"Failing them" for statutory next-of-kin—Whether potential beneficiaries sufficiently defined.
In re **Leek, decd.,** Buckley J. [1967] Ch. 1061; [1967] 3 W.L.R. 576.
C.A. [1969] 1 Ch. 563; [1968] 2 W.L.R. 1385.

TRUSTS—*continued.*

Uncertainty, void for—*continued.*

Discretionary trust

Superannuation and bonus fund for employees of company to be constituted and established at trustees' absolute discretion—No indication of trusts—Class of possible beneficiaries extending beyond perpetuity period—Void for remoteness—Whether validated as registered superannuation fund—Registered fund to be established in connection with an undertaking, not by third person—Superannuation and other Trust Funds (Validation) Act, 1927, ss. 1, 2. *In re* **Flavel's Will Trusts,** Stamp J. [1969] 1 W.L.R. 444.

Meaning of

Trusts of income during appointed period—Period of 90 years or 21 years from death of last survivor of such beneficiaries as were born before date of settlement, whichever shorter period—" Beneficiaries " to include " (a) the descendants of settlor . . . [and] (c) all persons who have married or may marry any of the descendants . . ."—Power to capitalise income by paying premiums on policy or policies of assurance in which a beneficiary interested under some other settlement—Subsequent variation deed purporting to release power to capitalise income—Doubts as to validity of trusts of income—Compromise—Whether trusts of income void for uncertainty.
Muir v. Inland Revenue Comrs., Pennycuick J. [1966] 1 W.L.R. 251.
C.A. [1966] 1 W.L.R. 1269.

Unascertainable class. (*See also* POWER OF APPOINTMENT.)

Exclusion from charitable trust of those " of the Jewish or Roman Catholic faith "—Whether valid—Distinction between forfeiture clause and condition precedent—Public policy. *In re* **Lysaght, decd.,** Buckley J. [1966] Ch. 191; [1965] 3 W.L.R. 391.

Imperative trust to make payments for or to company's " employees," " former employees " and " dependants "—Validity of trust.
In re **Saxone Shoe Co. Ltd.'s Trust Deed,** Cross J. [1962] 1 W.L.R. 943.

" Past, present and future employees " of settlor—Validity of trust.
In re **Hain's Settlement,** C.A. [1961] 1 W.L.R. 440.

Power to appoint to " persons with whom G. may be residing "—Validity.
In re **Gulbenkian's Settlements,** C.A. [1968] Ch. 126; [1967] 3 W.L.R. 1112.

Variation

Act of 1958

Age of childbearing—Acceleration of remainder—Tenant for life aged 78 years—Whether application appropriate under the Act—Variation of Trusts Act, 1958, s. 1 (1).
In re **Pettifor's Will Trusts,** Pennycuick J. [1966] Ch. 257; [1966] 2 W.L.R. 778.

——————Protective trust—Tenant for life aged 51 years—Capital of trust fund for her children attaining 21 years—Medical evidence that tenant for life past child-bearing age—Capital divided between her and children—Whether court should approve arrangement—Variation of Trusts Act, 1958, s. 1.
In re **Westminster Bank Ltd.'s Declaration of Trust,**
Wilberforce J. [1963] 1 W.L.R. 820.

Avoidance of tax and estate duty—Liability to charge in existence from commencement of settlement application to vary period of accumulation and powers of trustees—Variation of Trusts Act, 1958, s. 1.
In re **Lloyd's Settlement,** Plowman J. [1967] 2 W.L.R. 1078.

Capital gains tax—Finance Act, 1965—Principal beneficiaries under settlement attaining absolute vested interest at age of 38—Liability for capital gains tax on vesting—Application for earlier vesting—Aim to mitigate burden of tax on gains in values of assets in settlement—Variation of Trusts Act, 1958, s. 1 (1)—Finance Act, 1965, ss. 19, 25.
In re **Sainsbury's Settlement (Practice Note),** Goff J. [1967] 1 W.L.R. 476.

Court of Protection—Whether for court or receiver to assent—" Benefit " of patient—Variation of Trusts Act, 1958, s. 1 (1) (3)—Mental Health Act, 1959, ss. 102, 103.
In re **C. L.,** Cross J. [1969] 1 Ch. 587; [1968] 2 W.L.R. 1275.

Family arrangement—Release of part of trust fund to life tenant absolutely—Value greater than life tenant's interest—Reversioners adults—Intention of life tenant to resettle fund on reversioners—Approval given on behalf of infants, unborn persons and persons who might have discretionary interests under protective trusts—Variation of Trusts Act, 1958, s. 1 (1). *In ré* **Berry's Settlement,** Stamp J. [1966] 1 W.L.R. 1515.

Foreign settlement—Court proceeding on footing that settlement governed by New York law—Jurisdiction—Variation of Trusts Act, 1958, ss. 1, 2.
In re **Paget's Settlement,** Cross J. [1965] 1 W.L.R. 1046.

——————Northern Ireland settlement—Trustees and trust property in England—Jurisdiction—Variation of Trusts Act, 1958, s. 1.
In re **Ker's Settlement Trusts,** Ungoed-Thomas J. [1963] Ch. 553; [1963] 2 W.L.R. 1210.

TRUSTS—*continued.*

Variation—*continued.*

Act of 1958—continued.

Form of order—Charitable interest—Attorney-General a respondent to summons—Variation of Trusts Act, 1958, s. 1.
In re **Longman's Settlement Trusts,** Russell J. [1962] 1 W.L.R. 455.

————————Effect of court's approval of arrangement—1959 settlement—Arrangement to delay vesting date—validity of provisions—Perpetuity period—Whether court's approval makes arrangement an "instrument" within Perpetuities and Accumulations Act, 1964—Variation of Trusts Act, 1958, s. 1 (1)—Perpetuities and Accumulations Act, 1964, s. 15 (5).
In re **Holt's Settlement,** Megarry J. [1969] 1 Ch. 100; [1968] 2 W.L.R. 653.

Infant tenant in tail in remainder—Proposal that entailed interest be barred integral part of proposed variation of trust—Variation of interest of infant tenant in tail and persons interested in remainder after entailed interest—Whether "application"—Trustee Act, 1925, s. 53.
In re **Lansdowne's Will Trusts,** Buckley J. [1967] Ch. 603; [1967] 2 W.L.R. 992.

Infants—Bargaining strength of infants and unborn persons—Whether to be reflected in the figures—Whether mere actuarial valuation sufficient—Variation of Trusts Act, 1958, s. 1. *In re* **Van Gruisen's Will Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 449.

Investment powers—Effect of Act of 1961—Application for enlargement of trustees' powers of investment—Large part of trust funds invested in investment trust company—Whether special circumstance justifying extension—Variation of Trusts Act, 1958, s. 1—Trustee Investments Act, 1961, s. 15.
In re **Cooper's Settlement,** Buckley J. [1962] Ch. 826; [1961] 3 W.L.R. 1029.

————————————————Testator's intention that trustees should invest only in equities ineffectively expressed—Application for extension of investment powers—Ultimate gift of residue to charity—Objection to extension by Attorney-General—Whether special circumstances justifying extension—Variation of Trusts Act, 1958—Trustee Investments Act, 1961.
In re **Kolb's Will Trusts,** Cross J. [1962] Ch. 531; [1961] 3 W.L.R. 1034.

————————————————Trust imposing quantitative limitation and dividend history requirement—Application for abolition—Power to invest whole fund in equities—Substitution of 1961 Act limitations quâ equities—Variation of Trusts Act, 1958, s. 1—Trustee Investments Act, 1961, s. 6, Sch. I, Pt. IV, para 3.
In re **Clarke's Will Trusts,** Russell J. [1961] 1 W.L.R. 1471.

————————————Power to purchase residence for beneficiaries—Improvements and repairs—Form of clause—Variation of Trusts Act, 1958, s. 1 (1).
In re **Burney's Settlement Trusts,** Wilberforce J. [1961] 1 W.L.R. 545.

Jurisdiction of Chancery Division — Infant beneficiary irresponsible prodigal — Entitled to absolute interest on attaining majority—Proposal to substitute protected life interest—Whether arrangement should be approved—Variation or resettlement—Jurisdiction—Discretion—Variation of Trusts Act, 1958, s. 1.
In re **T.'s Settlement Trusts,** Wilberforce J. [1964] Ch. 158; [1963] 3 W.L.R. 987.

Leading counsel—Whether desirable—Infant beneficiary—Variation of Trusts Act, 1958, s. 1. *In re* **Breeden's Settlement Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 901.

Mental defective beneficiary—Application to Court of Protection—Costs—Variation of Trusts Act, 1958, s. 1 (3).
In re **Sanderson's Settlement Trusts,** Pennycuick J. [1961] 1 W.L.R. 36.

Parties to application—Applicants—Trustees as applicants—Variation of Trusts Act, 1958, s. 1. *In re* **Druce's Settlement Trusts,** Russell J. [1962] 1 W.L.R. 363.

————————————Potential statutory next-of-kin of living person other than next-of-kin if life tenant died at date of issue of summons—Whether proper parties—Variation of Trusts Act, 1958, s. 1 (1) (*b*).
In re **Moncrieff's Settlement Trusts (Practice Note),** Buckley J. [1962] 1 W.L.R. 1344.

————————————Power of appointment — Release of power — Appointor party to application—Objects not joined—Whether proceedings properly constituted—Variation of Trusts Act, 1958, s. 1 (1).
In re **Christie-Miller's Marriage Settlement,** Wilberforce J. [1961] 1 W.L.R. 462.

————————————Protective trust—Objects of discretionary trust arising on forfeiture—Whether proper parties—Variation of Trusts Act, 1958, s. 1 (1) (*d*) (2).
In re **Munro's Settlement Trusts,** Wilberforce J. [1963] 1 W.L.R. 145.

TRUSTS—*continued.*

Variation—*continued.*

Act of 1958—continued.

Policies against marriage—Absolute interests proposed for beneficiaries—Insurance protection for unascertained and unborn beneficiaries—Insurers to be indemnified by bank—Bank to be indemnified by present beneficiaries—Whether contrary to public policy—Measure of benefit for unascertained beneficiaries—Domicile and tax liability—Variation of Trusts Act, 1958, s. 1 (1).
In re **Michelham's Will Trusts,** Buckley J. [1964] Ch. 550; [1963] 2 W.L.R. 1238.

Power of appointment—Arrangement excluding certain objects of power—Whether for their benefit—Arrangement to "revoke" and "resettle" the trusts—Court's jurisdiction to approve such an arrangement—Variation of Trusts Act, 1958, s. 1 (1).
In re **Ball's Settlement Trusts,** Megarry J. [1968] 1 W.L.R. 899.

——————Power exercised to enable arrangement for division of trust fund—Intention to benefit appointees—Possible benefit to appointor—Whether fraud on power—Whether court should approve arrangement—Variation of Trusts Act, 1958, s. 1.
In re **Wallace's Settlements,** Megarry J. [1968] 1 W.L.R. 711.

——————Release of power—Appointor initiating application to vary trusts—Object of power not joined—Whether order approving variation binding on non-parties—Whether express release of power required—Evidence of conduct inconsistent with continued existence of power—Variation of Trusts Act, 1958, s. 1 (1).
In re **Courtauld's Settlement,** Plowman J. [1965] 1 W.L.R. 1385.

Power of appointment by deed or by will—Appointor initiating application to vary trusts—Release of life interest—Power to appoint by deed retained—Scheme approved with proviso that trustees to take counsel's advice as to liability for estate duty before power exercised—Variation of Trusts Act, 1958, s. 1 (1).
In re **Drewe's Settlement,** Stamp J. [1966] 1 W.L.R. 1518.

Practice—Proposed arrangement—Provision of copy for registrar's use.
Practice Direction (Variation of Trusts: Copy of Arrangement), Ch.D. [1964] 1 W.L.R. 606.

Protective trust—Application for variation—Enlargement of protected life interest into absolute life interest—Approved by court on behalf of objects of discretionary trust arising on forfeiture—Judicial exercise of discretion—Relevant elements for consideration—Variation of Trusts Act, 1958, s. 1 (1).
In re **Burney's Settlement Trusts,** Wilberforce J. [1961] 1 W.L.R. 545.

——————Application for variation of trusts giving protected life tenant absolute interest—Whether evidence of continued usefulness of trusts should be given—Variation of Trusts Act, 1958, s. 1.
In re **Baker's Settlement,** Ungoed-Thomas J. [1964] 1 W.L.R. 336.

——————Provisions for widows of life tenants during widowhood unless life tenant "shall in writing otherwise direct"—Application for insertion of statutory power of advancement—Whether court should approve arrangement—Variation of Trusts Act, 1958, s. 1. *In re* **Lister's Will Trusts,** Buckley J. [1962] 1 W.L.R. 1441.

Revocation of English trust—Transfer of funds to substantially identical Canadian trust—Jurisdiction—Variation of Trusts Act, 1958, s. 1.
In re **Seale's Marriage Settlement,** Buckley J. [1961] Ch. 574; [1961] 3 W.L.R. 262.

Stamp duty on order of court—Submission of duplicate order to Inland Revenue Commissioners for adjudication.
Practice Note (Variation of Trusts: Stamp Duty), Cross J. [1966] 1 W.L.R. 345.

Strict settlement—Infant tenant in tail—Remaindermen unascertainable—Arrangement involving barring of entail—Application for appointment of person to bar entail—Application to approve arrangement.
In re **Bristol's Settled Estates,** Buckley J. [1965] 1 W.L.R. 469.

Tax advantage—English settlements on infant and unborn beneficiaries—Settlement funds subject to heavy tax on a disposition—Proposal to transfer trust funds to Jersey on identical settlements subject to Jersey law—Tax advantage requiring appointment of new trustees resident in Jersey in place of English trustees and residence of existing beneficiaries in Jersey—Settlor and beneficiaries having short period of residence in Jersey—Adult beneficiaries—Evidence of intention to make Jersey permanent home—Whether court should exercise discretion to appoint trustees resident outside United Kingdom—Whether exercise confined to reasons connected with trust—Discretion to approve tax-saving variation—Whether necessity to consider detriment to infant and unborn beneficiaries or removal outside jurisdiction—Whether "expedient" to appoint new trustees—Whether variation "fit" for court to approve—Trustee Act, 1925, s. 41—Variation of Trusts Act, 1958, s. 1.
In re **Weston's Settlements,** Stamp J. [1969] 1 Ch. 223; [1968] 2 W.L.R. 1154.

TRUSTS—*continued.*
Variation—*continued.*
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Transfer of English trust funds to Jersey—English settlement on infant and unborn beneficiaries—Proposal to appoint new trustees resident in Jersey—New trustees to be empowered to transfer trust property to Jersey settlement—Jersey trusts substantially identical with English trusts—Beneficiaries having long period of residence in Jersey—Whether court should approve variation—Variation of Trusts Act, 1958, s. 1.
In re **Windeatt's Will Trusts,** Pennycuick J. [1969] 1 W.L.R. 692.

Unborn persons—Interests of—Proposed division of trust fund excluding after-born children—Whether for benefit of infant beneficiary.
In re **Brook's Settlement,** Stamp J. [1968] 1 W.L.R. 1661.

——————————Variation of period for ascertaining beneficiaries — Proposal to substitute fixed date instead of death of last surviving son of settlor—Probability that qualifying period extended by proposed scheme—Possibility of unborn persons being adversely affected—Whether arrangement should be approved—Variation of Trusts Act, 1958, s. 1 (1).
In re **Cohen's Settlement Trusts,** Stamp J. [1965] 1 W.L.R. 1229.

Will—Forfeiture if beneficiary practising Roman Catholicism on benefit arising—Proposal to delete forfeiture provisions and to provide for accelerated trusts for beneficiaries—Whether application under the Act proper—Variation of Trusts Act, 1958, s. 1 (1).
In re **Remnant's Settlement Trusts,** Pennycuick J. [1970] Ch. 560; [1970] 2 W.L.R. 1103.

UGANDA (*See also* EASTERN AFRICA).
Election
"Persons entitled to vote"

Referendum—Referendum in 1964 to determine wishes of the inhabitants of two counties as to the territory of Uganda in which each should be included—Independence Order in Council providing that persons entitled to vote in referendum to be persons entitled to vote in constituencies—Referendum Act providing that register of voters for 1962 elections to be register of voters for referendum—Whether inconsistent with Order in Council—Electoral register of 1962 in force at time of referendum—Inability of newly-qualified persons to be added to current electoral register—Inability to vote in any election until new electoral register compiled—Purpose of electoral register—Legislative Council (Elections) Ordinance, 1957, ss. 9 (1)-(3), 11 (2) (4)—Uganda (Independence) Order in Council, 1962, ss. 26 (1) (*b*), 30 (5), Sch. (Constitution of Uganda), s. 44—Referendum (Buyaga and Bugangazzi) Act, 1964, s. 3.
Kabaka's Government v. Attorney-General of Uganda, P.C. [1966] A.C. 1; [1965] 3 W.L.R. 512.

ULTRA VIRES. *See* COMPANY (**Powers**); STATUTE (**Construction**); STATUTORY INSTRUMENT; STATUTORY POWER.

UNDUE INFLUENCE
Fiduciary relationship
Engaged couple

Deed benefiting male fiancé—Significance not explained—Whether presumption of undue influence—Onus of proof. **Zamet v. Hyman,** C.A. [1961] 1 W.L.R. 1442.

Patient in mental hospital

Proposed gift by mentally disordered patient to hospital—Operation of presumption—Court's approach to authorisation of gift.
In re **C. M. G.,** Ct. of Protection [1970] Ch. 574; [1970] 3 W.L.R. 80.

Gift by child to parent
Presumption of undue influence

Requirements to support valid gift.
In re **Pauling's Settlement Trusts,** C.A. [1964] Ch. 303; [1963] 3 W.L.R. 742.

Gifts
Presumption of undue influence

Gifts by old man to his secretary-companion—Onus of proof—Rebuttal of presumption.
In re **Craig, decd.,** Ungoed-Thomas J. [1970] 2 W.L.R. 1219.

Voluntary transfer of land

Transfer of house by old lady to lodger—Presumption of undue influence.
Hodgson v. Marks, Ungoed-Thomas J. [1970] 3 W.L.R. 956.

VAGRANCY
Found in premises
"Inclosed yard"

Yard surrounded by walls and buildings with two gaps—Whether "inclosed"—Vagrancy Act, 1824, s. 4. **Goodhew v. Morton,** Divl.Ct. [1962] 1 W.L.R. 210.

VAGRANCY—*continued.*

Incorrigible rogue

Sentence

Two convictions for indecent exposure—Committal to quarter sessions as incorrigible rogue—Whether quarter sessions power to impose two consecutive sentences—Whether maximum term 12 months—Vagrancy Act, 1824, ss. 4, 5, 10.
Reg. v. Walters, C.A. [1969] 1 Q.B. 255; [1968] 3 W.L.R. 987.

Procuration

Frustrated

Procuring girl under 21 to have unlawful sexual intercourse—No sexual intercourse—Whether " procuring "—Sexual Offences Act, 1956, s. 23.
Reg. v. Johnson (Gerald), C.C.A. [1964] 2 Q.B. 404; [1963] 3 W.L.R. 1031.

Prostitution

Brothel

Premises home of two women—Women related and both prostitutes—One woman the tenant and occupier of the premises—Whether a " brothel "—" Assist in the management of a brothel "—Sexual Offences Act, 1956, s. 33.
Gorman v. Standen, Divl.Ct. [1964] 1 Q.B. 294; [1963] 3 W.L.R. 917.

Separate and independent lettings of individual rooms in house—Each room with own key—Rooms on ground floor used in concert by prostitutes—Landlord's knowledge after lettings effected—Whether landlord wilfully a party to use of part of premises as a " brothel "—Sexual Offences Act, 1956, s. 34.
Donovan v. Gavin, Divl.Ct. [1965] 2 Q.B. 648; [1965] 3 W.L.R. 352.

————————————————————Each tenant a right to exclusive occupation of room—Two prostitutes occupying rooms in house—House used by other prostitutes for entertainment of men—Whether a " brothel "—" Manage . . . a brothel "—Sexual Offences Act, 1956, s. 33.
Abbott v. Smith (Note), Judge Chapman [1965] 2 Q.B. 662; [1965] 3 W.L.R. 362n.

Living on the earnings of

Publication of booklet containing advertisements by prostitutes—Charge for advertisements—Whether publisher knowingly " living wholly or in part on the earnings of prostitution "—Sexual Offences Act, 1956, s. 30.
Shaw v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1962] A.C. 220; [1961] 2 W.L.R. 897.

Meaning of

Participation in physical act of indecency—Whether " prostitution "—" Prostitute "—Sexual Offences Act, 1956, ss. 22 (1) (*a*), 30 (1).
Reg. v. Webb, C.C.A. [1964] 1 Q.B. 357; [1963] 3 W.L.R. 638.

Soliciting

" Immoral purposes," for—Man in public place persistently soliciting or importuning woman for sexual intercourse with him—Whether offence—Sexual Offences Act, 1956, s. 32. **Crook v. Edmondson,** Divl.Ct. [1966] 2 Q.B. 81; [1966] 2 W.L.R. 672.

Soliciting in public place

Advertisement displayed in shop window—Whether " soliciting " in a public place—Sexual Offences Act, 1956, s. 32.
Burge v. Director of Public Prosecutions, Divl.Ct. [1962] 1 W.L.R. 265.

Advertisement displayed on shop notice-board—Whether soliciting—Street Offences Act, 1959, s. 1 (1). **Weisz v. Monahan,** Divl.Ct. [1962] 1 W.L.R. 262.

" Suspected person "

" Being a suspected person loitering . . . with intent to commit a felony "

Conduct—Acts relied on to show suspected person—Whether acts necessarily preceding acts relied on to show loitering—Dividing line—" Loitering "—Whether consideration necessary of antecedent conduct—Vagrancy Act, 1824, s. 4—Penal Servitude Act, 1891, s. 7. **Cosh v. Isherwood,** Divl.Ct. [1968] 1 W.L.R. 48.

VENDOR AND PURCHASER. (*See also* BUILDING (**Contract**).)

Boundary

Hedge between close and waste land

Presumption of ownership of hedge—Ownership in owner of close.
White v. Taylor (No. 2), Buckley J. [1969] 1 Ch. 160; [1968] 2 W.L.R. 1402.

Completion

Date of

Whether time of the essence—Reasonableness of notice to complete—National Conditions of Sale, 17th ed., cond. 22 (2). **Cumberland Court (Brighton) Ltd. v. Taylor,** Ungoed-Thomas J. [1964] Ch. 29; [1963] 3 W.L.R. 313.

VENDOR AND PURCHASER—*continued.*

Completion—*continued.*

Delay in completion

Agreement for underlease at premium—Purchaser in possession before completion—Whether purchase-money to be paid into court—Whether purchaser tenant or licensee—Rent accepted in advance—National Conditions of Sale, 17th ed., cond. 17.
Joel v. Montgomery & Taylor Ltd., Stamp J. [1967] Ch. 272; [1967] 2 W.L.R. 21.

By purchaser—Purchaser in possession before completion—Property damaged by purchaser—Whether purchase money to be paid into court—Whether purchaser has option of going out of possession.
Maskell v. Ivory, Stamp J. [1970] Ch. 502; [1970] 2 W.L.R. 844.

————Time not the essence of contract—Notice by vendor requiring completion in six days—Whether reasonable.
Ajit v. Sammy, P.C. [1967] 1 A.C. 255; [1966] 3 W.L.R. 983.

Right to receive interest—Vendor entitled to interest on unpaid purchase-money—Option to take income instead of interest—Purchaser not liable to pay interest if delay attributable to default of vendor—Sale of many properties—Necessity to lodge transfers—Underestimate by vendors of time required to complete sale—No unforeseen occurrence—Election by vendors to take income—Whether "delay attributable to . . . default of the vendor"—"Default"—Whether vendors entitled to interest—Whether entitled to income—National Conditions of Sale, 17th ed., cond. 6.
In re **Hewitt's Contract**, Wilberforce J. [1963] 1 W.L.R. 1298.

Effect

Contract and conveyance, merger—Sale with vacant possession on completion—Failure of vendor to give vacant possession of whole property on completion—Whether vendor liable for breach of contract—The Law Society's Conditions of Sale, 1953, No. 33.
Hissett v. Reading Roofing Co. Ltd., Stamp J. [1969] 1 W.L.R. 1757.

Contract to sell and complete building of house in course of erection—Whether contract merged in conveyance—National Conditions of Sale, 16th ed., cond. 12 (3).
Hancock v. B. W. Brazier (Anerley) Ltd., Diplock L.J. and C.A. [1966] 1 W.L.R. 1317.

Failure by purchaser

Vendor's rights—Only part of deposit paid—Election to abandon specific performance action and claim rescission—Whether vendor entitled to claim rescission and payment of deposit—Distinction between part paid and unpaid balance.
Lowe v. Hope, Pennycuick J. [1970] Ch. 94; [1969] 3 W.L.R. 582.

Consideration. *See* CONTRACT; VOID OR VOIDABLE.

Conveyance

Easement

Reservation to vendor of right to use access roads—Whether construed against purchaser as grantor of easement—Law of Property Act, 1925, s. 65 (1).
Cordell v. Second Clanfield Properties Ltd., Megarry J. [1969] 2 Ch. 9; [1968] 3 W.L.R. 864.

"Erections"

Greenhouses standing on dollies—Not affixed to land—Sale of land—Whether greenhouses included in sale—Whether greenhouses "erections"—Whether removable chattels passing on conveyance of land—Law of Property Act, 1925, s. 62 (1).
H. E. Dibble Ltd. v. Moore (West Third Party), C.A. [1970] 2 Q.B. 181; [1969] 3 W.L.R. 748.

Severance of land in common ownership

Quasi-easements—Whether impliedly conveyed—Right of access to maintain wall by only practicable method—Permission to enter, effect of—Precarious right—Law of Property Act, 1925, s. 62.
Ward v. Kirkland, Ungoed-Thomas J. [1967] Ch. 194; [1966] 1 W.L.R. 601.

Defective title

Land subject to legal charge

Conveyance—Receipt endorsed on legal charge two days after date of conveyance—Whether receipt operates to free property from charge—Whether transfer to vendor—Whether feeding the estoppel—Whether legal charge creating legal estate—Whether a good title—"Able, ready and willing to complete"—"Right to keep alive a mortgage"—National Conditions of Sale, 17th ed., cond. 22—Law of Property Act, 1925, ss. 87, 115.
Cumberland Court (Brighton) Ltd. v. Taylor, Ungoed-Thomas J. [1964] Ch. 29; [1963] 3 W.L.R. 313.

Right to rescind contract

Contract for sale of hotel and garden—Title to garden to be established by statutory declaration as to 20 years' undisputed possession—Vendor's failure to prove—Whether purchaser obliged to accept alternative means of proving title.
George Wimpey & Co. Ltd. v. Sohn, C.A. [1967] Ch. 487; [1966] 2 W.L.R. 414.

VENDOR AND PURCHASER—*continued.*

Defective title—*continued.*

Right to rescind contract—continued.

Description of part of land agreed to be sold contained in muniments of title offered to purchaser, not identifiable with description in contract—Descriptions offered affording only probable identification of land—Whether requisitions satisfactorily answered—Whether purchaser could rescind—National Conditions of Sale, 17th ed., cond. 12 (1).
In re **Bramwell's Contract,** Stamp J. [1969] 1 W.L.R. 1659.

Inability to comply with purchaser's requisitions—Vendor's contractual right to rescind—Vendor not reckless in failing to warn purchaser of defect—"Recklessness" in legal sense, definition of—Rescission not arbitrary, or in bad faith or without reasonable cause—Offer to accept defective title during hearing of appeal—Treated as having no bearing on issue of rescission.
Selkirk v. Romar Investments Ltd., P.C. [1963] 1 W.L.R. 1415.

Sale of residue of "underlease"—Contract including clause precluding purchaser from making requisitions or objections to accepted title—Vendor affected with constructive notice of breaches of covenant in superior underlease not examined by him—Purchaser learning from other sources of breaches giving rise to possibility for forfeiture—Whether special condition effective to exclude right to rescission—Duty of vendor inserting special condition to disclose defects of which he knows or ought to know.
Becker v. Partridge, C.A. [1966] 2 Q.B. 155; [1966] 2 W.L.R. 803.

Test

Assent under seal by personal representative by representation—Whether effective as conveyance to pass legal estate—Whether a good title—Law of Property Act, 1925, s. 52 (1)—Administration of Estates Act, 1925, s. 36 (1).
In re **Stirrup's Contract,** Wilberforce J. [1961] 1 W.L.R. 449.

Estate contract. *See* LAND REGISTRATION.

Form of action

Vendor and purchaser summons

Declaration—Purchaser seeking declaration that by omitting to answer a requisition on title vendor failed to discharge obligation and claiming return of deposit—Whether relief sought inconsistent with rescission.
In re **Stone and Saville's Contract,** Buckley J. [1962] 1 W.L.R. 460.
C.A. [1963] 1 W.L.R. 163.

Implied covenant

Planning permission

Contract subject to condition that planning permission granted for use as transport depot—Outline planning permission granted—Detailed permission refused—Whether condition fulfilled. **Hargreaves Transport Ltd. v. Lynch,** C.A. [1969] 1 W.L.R. 215.

Street works

Deposit paid by vendor—Road made up by highway authority—Surplus from deposit returned to purchaser—Whether held for benefit of vendor—Whether term implied in conveyance to purchaser—Highways Act, 1959, s. 195.
Henshall v. Fogg, C.A. [1964] 1 W.L.R. 1127.

Innocent misrepresentation. *See* CONTRACT.

Landlord and tenant

Letting or sale

Claim for recovery of possession—Rent Restriction Acts—Payments for possession of property—Whether rent or instalments of purchase price.
Martin v. Davies (Note), C.A. (1952) 42 T.C. 114.
Martin v. Routh, Ungoed-Thomas J. (1964) 42 T.C. 106.

Leasehold property

Contract for assignment

Contract subject to landlord's consent—Provision for payment of purchase money to stakeholder if consent delayed beyond completion—Vendors required to "allow . . . purchasers to enter into occupation"—Purchasers required to pay rent as from completion date—Offer by vendors to purchasers to take possession on completion date—Offer declined by purchasers because of lack of consent by landlords—Whether vendors "allowed" purchasers to enter into occupation—Whether purchasers liable for rent from completion date—Whether liability to pay rent dependent on being "allowed" into possession. **Cantor Art Services Ltd. v. Kenneth Bieber Photography Ltd.,**
C.A. [1969] 1 W.L.R. 1226.

National conditions of sale—Landlord's consent necessary—Consent refused—Vendor's right to rescind under condition 10 (5)—Purchaser's claim to notice under condition 8 (6)—Whether notice required—Whether contract effectively rescinded—National Conditions of Sale, 17th ed., conds. 8 (6) (7), 10 (5).
Lipmans Wallpaper Ltd. v. Mason & Hodghton Ltd.,
Goff J. [1969] 1 Ch. 20; [1968] 2 W.L.R. 881.

VENDOR AND PURCHASER—*continued.*

Leasehold property—*continued.*

Contract for sale

Contract conditional on licence of landlords to assignment of lease—Whether a condition precedent to relationship of vendor and purchaser—Whether a matter of title.
Property & Bloodstock Ltd. v. Emerton, C.A. [1968] Ch. 94; [1967] 3 W.L.R. 973.

Lien of vendor

When arising

Effect on lien if property charged to vendor—Lien for part of unpaid purchase money at date of contract—Whether impliedly abandoned on completion—If charge subsequently avoided, vendor not entitled to lien.
Capital Finance Co. Ltd. v. Stokes, Pennycuick J. [1968] 1 W.L.R. 1158.
C.A. [1969] 1 Ch. 261; [1968] 3 W.L.R. 899.

Matrimonial home, sale of. *See* HUSBAND AND WIFE.

Memorandum in writing

Completion date blank

Whether completed contract—Date left blank in formal contract signed by both parties—Date later inserted by solicitor—One solicitor acting for both parties—Vendor's intention not to bind himself by signature not communicated to purchaser—Whether evidence of intention admissible—National Conditions of Sale, 17th ed., cond. 4 (1).
Smith v. Mansi, C.A. [1963] 1 W.L.R. 26.

Part performance. *See* LANDLORD AND TENANT (**Agreement**).

Parties

Vendor not named in memorandum—Memorandum signed by estate agent—Agent contractually bound—Knowledge of purchase of principal—Whether vendor bound by memorandum—Law of Property Act, 1925, s. 40.
Davies v. Sweet, C.A. [1962] 2 Q.B. 300; [1962] 2 W.L.R. 525.

Two documents

Agreement by defendant to sell land to plaintiff—Letter by plaintiff's solicitor recording terms "subject to contract"—Plaintiff's solicitor's unconditional offer to purchase—Letter of acceptance by defendant's solicitor referring to other letter—Whether both letters constituted sufficient memorandum of agreement for sale to render contract enforceable—Whether "subject to contract" term of contract or mere suspensive condition—Whether oral evidence admissible to show condition waived—Law of Property Act, 1925, s. 40 (1). **Griffiths v. Young,** C.A. [1970] Ch. 675; [1970] 3 W.L.R. 246.

Standard form of contract—Date for completion to be agreed—Subsequent oral agreement on date—Solicitor acting for both parties—Note of agreement by solicitor—Whether authorised to sign memorandum—Law of Property Act, 1925, s. 40.
Gavaghan v. Edwards, C.A. [1961] 2 Q.B. 220; [1961] 2 W.L.R. 948.

Misdescription

National Conditions of Sale

Sale of dwelling-houses—Flat let at rent stated by vendor—Certificate of disrepair not disclosed by vendor—Abatement of rent as long as certificate in force—Whether vendor entitled to insist on performance of contract without regard to certificate and abatement—Law of Property Act, 1925, s. 49 (1). *In re* **Englefield Holdings Ltd. and Sinclair's Contract,** Pennycuick J. [1962] 1 W.L.R. 1119.

Option to purchase land

Damages for breach

Purchaser's intention to develop known to vendor—Breach of option—Whether damages to include loss of profits which both parties contemplated purchaser would make.
Cottrill v. Steyning and Littlehampton Building Society, Elwes J. [1966] 1 W.L.R. 753.

Parcels

Ambiguity

Plan attached to conveyance—No reference to plan in conveyance—Evidence leaving court in doubt as to land included in parcels—Whether reference may be made to plan.
Leachman v. L. & K. Richardson Ltd., Cross J. [1969] 1 W.L.R. 1129.

Planning permission

Condition precedent

"Conditional" planning permission granted—Minimal conditions attached to planning permission—Whether condition precedent performed.
Richard West & Partners (Inverness) Ltd. v. Dick,
C.A. [1969] 2 Ch. 424; [1969] 2 W.L.R. 1190.

Delay

Valuable consideration for agreement—Agreement subject to planning permission and approval of title—No provision as to time for satisfying conditions—Planning permission not obtained more than three years after agreement—Condition to be satisfied within reasonable time—Time must be reasonable as at date of contract and reasonable to both parties. *In re* **Longlands Farm,** Cross J. [1968] 3 All E.R. 552.

VENDOR AND PURCHASER—*continued.*

Purchaser for value without notice

Registered land. See Land Registration (**Charges register;** *Priorities*).

Requisitions on title

Registered land

Unregistered easement—Whether purchaser entitled to require registration by vendor before completion—Land Registration Act, 1925, ss. 3 (viii) (xxiv), 110 (5)—Land Registration Rules, 1925, rr. 251, 252 (1).

In re **Evans' Contract,** Stamp J. [1970] 1 W.L.R. 586.

Vendor's omission to answer

Whether purchaser entitled to rescind.

In re **Stone and Saville's Contract,** Buckley J. [1962] 1 W.L.R. 460.
C.A. [1963] 1 W.L.R. 163.

Restraint of trade. *See* Restraint of Trade.

Specific performance. (*See also* Practice (**Chancery Division**).)

Contract for sale of foreign land

Defendant domiciled within jurisdiction—Summary judgment—Whether jurisdiction to grant or enforce decree—R.S.C. (Rev. 1965), Ord. 86, rr. 1 (1), 4.

Richard West & Partners (Inverness) Ltd. v. Dick,
Megarry J. [1969] 2 Ch. 424; [1969] 2 W.L.R. 383.
C.A. [1969] 2 Ch. 424; [1969] 2 W.L.R. 1190.

Option by lessee to purchase

Sawmill on lease—Option to purchase—Lease validly determined—Option then exercised—Purchaser not entitled to specific performance of ancillary obligations—Executed agreements and equitable relief.

Australian Hardwoods Pty. Ltd. v. Comr. for Railways, P.C. [1961] 1 W.L.R. 425.

Option by vendor to re-purchase

Effect. **Du Sautoy v. Symes,** Cross J. [1967] Ch. 1146; [1967] 2 W.L.R. 342.

Part performance of oral contract

Promise to devise house with contents if woman gave up own flat and housekept for promisor—Compliance with terms until promisor's death—Whether acts part performance—Law of Property Act, 1925, s. 40 (1) (2).

Wakeham v. Mackenzie, Stamp J. [1968] 1 W.L.R. 1175.

Sale of land by limited company

Name of company on memorandum different from registered name.

F. Goldsmith (Sicklesmere) Ltd. v. Baxter, Stamp J. [1970] Ch. 85;
[1969] 3 W.L.R. 522.

Vendor's power to convey

Sale by vendor to a limited company under his control before completion of the first contract—Whether specific performance could be ordered against the vendor and the company—Whether appropriate case to refuse leave to defend—R.S.C., Ord. 14A, r. 1.

Jones v. Lipman, Russell J. [1962] 1 W.L.R. 832.

Summonses

Prompt hearing of

Days to be given for hearing—Land Registration Act, 1966.

Practice Direction (Vendor and Purchaser Summonses),
Ch.D. [1967] 1 W.L.R. 481.

VETERINARY SURGEON

Discipline

" *Conduct disgraceful . . . in a professional respect* "

Conduct not in course of practice of profession—Veterinary surgeon carrying on business as farmer—Failure to bury cattle—Offences under Dogs Act, 1906—Conduct tending to bring disgrace on profession—Whether disgraceful in " professional respect "—Whether moral turpitude necessary—Veterinary Surgeons Act, 1881, s. 6.

Marten v. Royal College of Veterinary Surgeons' Disciplinary Committee,
Divl.Ct. [1966] 1 Q.B. 1; [1965] 2 W.L.R. 1228.

Professional misconduct

Owner of animal wrongly informed that major operation performed—Minor treatment only given—Removal from register—Matter for the disciplinary committee—No intervention by appeal court save in cases of mistaken assessment.

Lawther v. Royal College of Veterinary Surgeons, P.C. [1968] 1 W.L.R. 1441.

VEXATIOUS LITIGANT. *See* Practice.

VICARIOUS LIABILITY

Agency

Negligence

Motor car—Arrangement to lend car for borrower to take named persons regularly to lender's premises—Whether borrower agent of lender—Liability of lender for borrower's negligence—Whether entitled to indemnity from borrower.
Vandyke v. Fender, Paull J. [1969] 2 Q.B. 581; [1969] 3 W.L.R. 217.

————Driven by employee and nephew of owner in evenings—Used to take owner's son on social jaunts—Accident—Negligence of driver—Responsibility of owner—Test of.
Carberry v. Davies, C.A. [1968] 1 W.L.R. 1103.

————Driven by owner's son—Son authorised and permitted to drive—No knowledge of son driving on day of accident—Whether son servant or agent—Burden of proof.
Rambarran v. Gurrucharran, P.C. [1970] 1 W.L.R. 556.

Common employment. *See* NEGLIGENCE.

Contempt. *See* CONTEMPT OF COURT.

Crime. *See* CRIME.

Delegate or independent contractor

Architect

Whether hospital board vicariously liable for negligence of architect causing physical injury to workman on site—Occupiers' Liability Act, 1957.
Clayton v. Woodman & Son (Builders) Ltd., Salmon J. [1962] 2 Q.B. 533; [1961] 3 W.L.R. 987.

Licensed dock porters

Bogie driven by porter on landing stage for purpose of work—Accident—Negligent driving of bogie—Whether owners of bogie liable.
Norton v. Canadian Pacific Steamships Ltd., C.A. [1961] 1 W.L.R. 1057.

Specialised work

Installation of electric cable—Death of employee through fire—Liability of employers for negligence of experts—Whether liable for negligence of manufacturer.
Sumner v. William Henderson & Sons Ltd., Phillimore J. [1964] 1 Q.B. 450; [1963] 2 W.L.R. 330.

Principal's liability for want of due care.
Riverstone Meat Co. Pty. Ltd. v. Lancashire Shipping Co. Ltd., H.L.(E.) [1961] A.C. 807; [1961] 2 W.L.R. 269.

Tree felling contractor

Tree in front garden adjoining highway negligently felled—Accident to by-stander on highway—Felling not inherently dangerous—Whether occupier liable for negligence of contractor. **Salsbury v. Woodland,** C.A. [1970] 1 Q.B. 324; [1969] 3 W.L.R. 29.

Hospital. *See* NEGLIGENCE.

Master and servant

Common employment. *See* NEGLIGENCE.

Course of employment

Authorised act done in unauthorised way—Lorry driver expressly prohibited by employer from allowing any other person to drive lorry—Incompetent person allowed to move lorry while driver in back of lorry in course of his duty—Accident caused by incompetent person's inability to stop—Liability of master.
Ilkiw v. Samuels, C.A. [1963] 1 W.L.R. 991.

Authorised journey to café for tea in master's van—Negligence of servant authorised to drive van — Fellow-servant, passenger in van, killed whilst returning to site from abortive journey.
Hilton v. Thomas Burton (Rhodes) Ltd., Diplock J. [1961] 1 W.L.R. 705.

Employers instructing plaintiff to obey fellow-employees' instructions—Practical joke by fellow-employees—Plaintiff instructed to put hand up spout of grinding machine to clear alleged blockage—Machine accidentally set in motion—Plaintiff's hand injured—Whether employers vicariously liable—Onus of proof.
Chapman v. Oakleigh Animal Products Ltd., C.A. (1970) 8 K.I.R. 1063.

Onus of proof—Deliberate act of practical joker causing injury to fellow workman—Foreseeability—No evidence of previous danger from practical joker's acts—Events not prima facie arising out of or in course of employment—Whether principle of res ipsa loquitur applicable—Whether onus on plaintiff to establish acts within scope of employment—Possibility that crucial act outside scope of employment—Whether onus discharged—Liability of employer.
Coddington v. International Harvester Co. of Great Britain Ltd., Ormrod J. (1969) 6 K.I.R. 146.

VICARIOUS LIABILITY—*continued.*
Master and servant—*continued.*
Course of employment—*continued.*

Servant's theft of goods held by master as sub-bailee—Whether master liable—Duty of master as sub-bailee to owner. **Morris v. C. W. Martin & Sons Ltd.,** C.A. [1966] 1 Q.B. 716; [1965] 3 W.L.R. 276.

Unauthorised act—Injury to servant through negligence of fellow-servant—Fellow-servant employed to drive fork lift truck—Customer's five-ton lorry blocking access to warehouse—Fellow-servant's attempt to clear obstruction by moving lorry—Accident caused by moving lorry—Whether accident in course of employment.
Kay v. I.T.W. Ltd., C.A. [1968] 1 Q.B. 140; [1967] 3 W.L.R. 695.

————————Plaintiff injured by lorry reversed by dock worker—Dock worker given permission to move lorry by lorry driver—Whether dock worker acting in course of employment—Liability of dock worker, lorry driver and respective employers—Whether contributory negligence by plaintiff.
East v. Beavis Transport Ltd., C.A. [1969] 1 Lloyd's Rep. 302.

Hospital. See NEGLIGENCE.

Volenti non fit injuria. See VOLENTI NON FIT INJURIA.

VOID OR VOIDABLE
Contract
Exceptions clause
So wide as to render contract a nullity.
The Tradesman, Karminski J. [1962] 1 W.L.R. 61.

Decision contrary to natural justice
Appeal to Minister
Whether nullity or voidable only at instance of party affected—Ceylon.
Durayappah v. Fernando, P.C. [1967] 2 A.C. 337; [1967] 3 W.L.R. 289.

Whether whole proceedings void.
Ridge v. Baldwin, C.A. [1963] 1 Q.B. 539; [1962] 2 W.L.R. 716.
H.L.(E.) [1964] A.C. 40; [1963] 2 W.L.R. 935.

Judgment
Acquittal
No jurisdiction to try charge summarily—Acquittal by justices—Effect.
Reg. v. West, C.C.A. [1964] 1 Q.B. 15; [1962] 3 W.L.R. 218.

Consent order
Fatal accident—Order in favour of infant but not widow—Failure to deliver particulars of persons for whom action brought—Failure to state in writ that action brought in a representative capacity—Defects curable by statement of claim Whether order a nullity—R.S.C., Ord. 3, r. 4—Fatal Accidents Act, 1846, s. 4.
Cooper v. Williams, C.A. [1963] 2 Q.B. 567; [1963] 2 W.L.R. 913.

Decree absolute of divorce
No declaration as to welfare of children.
B. v. B. (Practice Note), Scarman J. [1961] 1 W.L.R. 856.

Decree nisi of divorce
Failure properly to serve petition.
John v. John and Goff, Sir Jocelyn Simon P. [1965] P. 288; [1965] 2 W.L.R. 714.

Marriage
Effects of distinction
Jurisdiction in nullity—Conflict of laws.
Ross Smith v. Ross Smith, H.L.(E.) [1963] A.C. 280; [1962] 2 W.L.R. 388.

Originating summons
Issued in district registry
Not sealed in Central Office—Whether "issued"—R.S.C., Ord. 54, r. 4B.
In re **Pritchard, decd.,** Wilberforce J. [1962] Ch. 913; [1962] 1 W.L.R. 870.
C.A. [1963] Ch. 502; [1963] 2 W.L.R. 685.

Planning permission
Notice
Failure to state reasons for condition.
Brayhead (Ascot) Ltd. v. Berkshire County Council, Divl.Ct. [1964] 2 Q.B. 303; [1964] 2 W.L.R. 507.

Pleading
Delivered in long vacation
Effect. **MacFoy v. United Africa Co. Ltd.,** P.C. [1962] A.C. 152; [1961] 3 W.L.R. 1405.

VOID OR VOIDABLE—*continued.*

Pleading—*continued.*

Petition for divorce

Failure to obtain leave to file second petition—First petition on file—Whether filing of second petition irregularity or a nullity—Matrimonial Causes Rules, 1957, r. 2.
Cooper v. Cooper, Wrangham J. [1964] 1 W.L.R. 1323.

Proceedings. *See* Practice (**Irregularity**).

Writ. *See* Practice.

VOLENTI NON FIT INJURIA

Assault

Fight after insult

Savage blow in retaliation—Whether maxim applicable.
Lane v. Holloway, C.A. [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003.

Master and servant

Breach of statutory duty

Deliberate combination of two workmen to disobey order knowing risk involved—Injury to one—Action against employer based on vicarious liability for act of other worker—Contravention of statutory prohibition—Whether volenti principle a defence.
Imperial Chemical Industries Ltd. v. Shatwell, H.L.(E.) [1965] A.C. 656; [1964] 3 W.L.R. 329.

Negligence

Defence

Infant passenger injured in collision—Driver of car also an infant—Infant passenger knowing that driver not insured.
Buckpitt v. Oates, John Stephenson J. [1968] 1 All E.R. 1145.

Road traffic

Injury to passenger

Passenger aware vehicle unlighted. **Dawrant v. Nutt,** Stable J. [1961] 1 W.L.R. 253.

Sport

Competitor and spectator

Horse show—Galloping horse driven too fast round corner of arena—Injury to non-paying spectator standing at edge of arena—Whether doctrine applicable.
Wooldridge v. Sumner, C.A. [1963] 2 Q.B. 43; [1962] 3 W.L.R. 616.

WAGER. *See* Gaming.

WAGES. *See* Master and Servant.

WAIVER. (*See also* Acquiescence.)

Insurance

Motor vehicle

Condition requiring notice of accident and intended prosecution by insured—Insurers' knowledge from other sources—Whether waived.
Barrett Bros. (Taxis) Ltd. v. Davies, C.A. [1966] 1 W.L.R. 1334.

Landlord and tenant

Application for new tenancy

Application filed prematurely—Whether landlords waived right to object—Landlord and Tenant Act, 1954, s. 29 (3).
Kammins Ballrooms Co. Ltd. v. Zenith Investments (Torquay) Ltd., H.L.(E.) [1970] 3 W.L.R. 287.

Covenant

Breach—Acceptance of rent—Whether waiver question of fact or law.
Windmill Investments (London) Ltd. v. Milano Restaurant Ltd., Megaw J. [1962] 2 Q.B. 373; [1962] 3 W.L.R. 651.

Sovereign immunity. *See* Conflict of Laws.

WALES

Welsh courts

Language in

Right to use the Welsh language—When arising—Welsh Courts Act, 1942, s. 1.
Reg. v. Merthyr Tydfil Justices, *Ex parte* **Jenkins,** Divl.Ct. [1967] 2 Q.B. 21; [1967] 2 W.L.R. 281.

WAR. *See* INTERNATIONAL LAW.

WARRANTY. *See* CONTRACT; HIRE-PURCHASE; INSURANCE; SALE OF GOODS; VENDOR AND PURCHASER; WORK AND LABOUR.

WATER. (*See also* PUBLIC HEALTH.)

Meter registering supply

Abnormally high reading

Meter sent to meter company for testing—Over-registering by average of 2½ per cent.—Whether " deemed to have registered correctly."
Nidderdale Rural District Council v. Lloyd, C.A. (1964) 62 L.G.R. 323.

WEIGHTS AND MEASURES. (*See also* MERCHANDISE MARKS.)

Bread. *See* FOOD AND DRUGS.

Misrepresentation as to quantity

Milk consigned by farmers direct to dairy

No contractual relationship between farmers and dairy—Statements by dairy in gallonage certificates and deficiency cards that less milk received than farmers consigned—Whether misrepresentation " in connection with the sale " of milk—Weights and Measures Act, 1963, s. 24 (2).
Collett v. Co-operative Wholesale Society Ltd., D.C. [1970] 1 W.L.R. 250.

" Possession for sale "

Goods sold in particular quantities

Bread—Loaves of bread in bakers' dispatch area before being taken to loading bay—Bread dispatch supervisor about to check weights—Whether in bakers' possession for sale—Weights and Measures Act, 1963, s. 22 (2), Sch. 4, Pt. IV, para. 3.
Ben Worsley Ltd. v. Harvey, Divl.Ct. [1967] 1 W.L.R. 889.

" Pre-packed goods "

Flour

Misrepresentation as to quantity—Decrease of weight due to loss of humidity—Reliance on warranty of suppliers who made a reasonable allowance for such loss of weight—Retailers' failure to ensure weight correct—Defence—Weights and Measures Act, 1963, ss. 24 (3), 25 (1), 26 (2).
F. W. Woolworth & Co. Ltd. v. Gray, D.C. [1970] 1 W.L.R. 764.

Meat

Exposure for sale—Piece of meat on piece of paper sufficient to wrap it partly—Piece of paper partly wrapping meat on sale—" Container "—Whether piece of paper " packaging "—Weights and Measures Act, 1963, ss. 21 (1), 22 (1), 58, Sch. 4, Pt. 1, para. 2. **Lucas v. Rushby,** Divl.Ct. [1966] 1 W.L.R. 814.

Sale of goods

Misrepresentation as to quantity

Contract to buy 12 pieces of cheese—Delivery note stating " 12 6oz. wedges of Stilton "—11 pieces under 6oz.—Whether one or 11 misrepresentations—Whether one or 11 offences—Weights and Measures Act, 1963, s. 24 (2).
Brook v. Crowson & Son Ltd., Divl.Ct. (1967) 65 L.G.R. 265.

Delivery note stating quantity—Short weight delivery by servant or agent—Mistake caused by not following employer's system—Whether statutory defence available to employer—Weights and Measures Act, 1963, ss. 24 (4), 26 (1).
Hall v. Farmer, D.C. [1970] 1 W.L.R. 366.

Meat—Sale of imported tins of meat by wholesaler to retailer—Tins weighing less than stated on wholesaler's weight note—Trade custom that goods not weighed as between wholesalers—Custom that goods weighed on receipt by retailer and retailer charged to actual weight—Effect of weight note—Whether " misrepresentation " as to weight—Weights and Measures Act, 1963, s. 24 (2).
G. W. Potts Ltd. v. Blakemore, D.C. (1968) 66 L.G.R. 589.

Sale by weight or measure

" Causes to be delivered " lesser quantity than that purported—Barmaid selling short measure of whisky—Licensee no knowledge of sale—No prior authorisation—" Causes "—Whether licensee guilty of offence—Weights and Measures Act, 1963, s. 24 (1).
Sopp v. Long, D.C. [1970] 1 Q.B. 518; [1969] 2 W.L.R. 587.

Packet labelled " ¼lb. free "—Whether ounce price derivable inferentially from standard packet—Deception of buyer—Whether ingredient of offence—Defence of default by " other person "—Whether essential for other person to be party to prosecutor's appeal—Weights and Measures Act, 1963, ss. 24 (1), 27 (1).
Sopp v. Co-operative Retail Services Ltd., D.C. (1969) 68 L.G.R. 106.

WEIGHTS AND MEASURES—*continued.*

Traders' defence

Deficiency or excess in quantity

"Other articles of the same kind"—Bread—Split tin and sandwich loaves—Whether "articles of the same kind"—Whether mandatory to test—Inconsiderable deficiences—Whether correct test—Articles out of line with average—Having "regard to the average quantity tested"—Defective machinery—Whether reasonable and due diligence—Whether deficiency due to "cause beyond [traders'] control"—Burden of proof—Test case—Costs—Weights and Measures Act, 1963, s. 26 (1) (7).
Ellis v. Price, D.C. (1968) 66 **L.G.R.** 404.

Potato crisps packets purchased in morning—Packets taken by purchaser to inspector in afternoon—Whether "time and place at which . . . tested"—Other packets in shop and depot—Whether "available for testing"—"Available"—Weights and Measures Act, 1963, s. 26 (7).
Sears v. Smiths Food Group Ltd., Divl.Ct. [1968] 2 Q.B. 288; [1968] 2 W.L.R. 1255.

WEST AFRICA. (*See also* GHANA; NIGERIA.)

Gambia

Appeal to Privy Council

Competency—Locus standi of Attorney-General—"Person aggrieved"—West African (Appeal to Privy Council) Order in Council, 1949, s. 31.
Attorney-General of the Gambia v. N'Jie, P.C. [1961] A.C. 617; [1961] 2 **W.L.R.** 845.

Legal practitioner

Professional misconduct—Disciplinary power of deputy judge to suspend or strike off—Judicial power—Supreme Court Ordinance (Laws of the Gambia, 1955, c. 5), s. 7—Rules of the Supreme Court of the Gambia, 1928, Ord. IX, r. 7.
Attorney-General of the Gambia v. N'Jie, P.C. [1961] A.C. 617; [1961] 2 **W.L.R.** 845.

Gold Coast

Land, vacant

Possession, proof of—Intention to retain—Active steps in relation to land unnecessary—Trespass. **Wuta-Ofei v. Danquah**, P.C. [1961] 1 **W.L.R.** 1238.

Nigeria

Commissions and Tribunals of Inquiry Act, 1961

Constitutional validity—Partially invalid in respect of compulsive powers in matters "within Federal competence anywhere within the Federation"—Exclusion of jurisdiction of court void—Commissioners' power to impose fine or imprisonment invalid—Commissions and Tribunals of Inquiry Act, 1961 (Federal statute), ss. 3 (1) (4), 8 (*a*) (*b*) (*c*) (*d*), 15 (*a*), 18 (1) (*b*)—Constitution of the Federation of Nigeria, 1960, Sch. II. **Balewa v. Doherty**, P.C. [1963] 1 W.L.R. 949.

Federal Supreme Court

Appeal to—Fresh evidence. **Dawodu v. Danmole**, P.C. [1962] 1 W.L.R. 1053.

Lagos

Town planning scheme—Land compulsorily acquired—Lessee entitled to compensation for unexpired period of lease—Freeholder entitled to grant lease until vesting date—Scheme made and effective upon approval of Governor—Not suspended until date of coming into operation—Meaning of "injuriously affected"—Lagos Town Planning Ordinance (Laws of Nigeria, 1948 Rev., c. 103), ss. 38 (1), 42 (1) (4).
Lababedi v. Lagos Executive Development Board, P.C. [1962] A.C. 800; [1962] 3 W.L.R. 740.

Land

Declaration of title—Without consequential reliefs—Discretionary power of court—Statutory applicability of English R.S.C., Ord. 25, r. 5—Construction.
Ibeneweka v. Egbuna, P.C. [1964] 1 W.L.R. 219.

Succession

Intestacy—Polygamy—Four wives and nine children of intestate—Yoruba Idi-Igi custom applicable after death of the wives—Intestate's property divisible into fourths—Natural justice—Applicability. **Dawodu v. Danmole**, P.C. [1962] 1 W.L.R. 1053.

Sierra Leone

Practice

Statement of claim delivered during long vacation—Effect—R.S.C. of Sierra Leone, Ord. 52, r. 3; Ord. 50, r. 1.
MacFoy v. United Africa Co. Ltd., P.C. [1962] A.C. 152; [1961] 3 **W.L.R.** 1405.

WEST AFRICA—*continued.*

Sierra Leone and the Gambia

Appeal to Court of Appeal

Dismissal for failure to comply punctually with conditions—Application to Court of Appeal to restore appeal dismissed—Power of Privy Council to interfere with exercise of court's discretion—When to be exercised—West African Court of Appeal Rules, rr. 16 (4), 17, 23. **Short v. Attorney-General of Sierra Leone,** P.C. [1963] 1 W.L.R. 1427.

Evidence

Deed of family arrangement—Application for approval of court—File relating to application lost—Cause Book, evidentiary value of. **Allie v. Katah,** P.C. [1963] 1 W.L.R. 202.

WEST INDIES. (*See also* BAHAMA ISLANDS; BERMUDA; BRITISH GUIANA; JAMAICA; TRINIDAD AND TOBAGO.)

Barbados

Homicide

Verdict on basis of common design—Action in concert negatived on appeal—Not known what verdict on individual guilt would have been—Conviction quashed.
King v. The Queen, P.C. [1962] A.C. 199; [1962] 2 W.L.R. 301.

British Guiana

Company

Private—Restriction of sale of shares to members—Position and duty of executor member.
Roberts v. Letter "T" Estates Ltd., P.C. [1961] A.C. 795; [1961] 3 W.L.R. 176.

Evidence

Will—Action to revoke probate—Evidence led by plaintiff to establish later will—Production of copy of document purporting to have been typed by registrar-general and signed by witness showing contents of will—Motion by defendant after close of case to adduce evidence in denial—Whether judge entitled to reopen case—Whether evidence admissible. **Acosta v. Longsworth,** P.C. [1965] 1 W.L.R. 107.

Trinidad and Tobago

Homicide

Aiding and abetting—Verdict on basis of common design—No pre-arranged plan—Fatal wound caused by one or other of two defendants—Whether principal in the second degree.
Mohan v. The Queen, P.C. [1967] 2 A.C. 187; [1967] 2 W.L.R. 676.

Landlord and tenant

Rent restriction—Premises damaged by storm and dangerous to public—Uneconomic to reinstate—Notice to quit—Demolition work begun without tenant's permission—Tenant's claim for injunction and damages for trespass—Order for possession "in the interest of public safety"—Local authority's statutory notice to landlords to demolish—Whether premises "required by law to be demolished"—Rent Restriction Ordinance, c. 27, No. 18, s. 14 (1) (*l*) (3)—Port of Spain Corporation Ordinance (c. 39, No. 1), s. 206 (2) (4).
Mauritzen v. Gordon Grant & Co. Ltd., P.C. [1964] A.C. 1429; [1964] 3 W.L.R. 217.

Trade union

Expulsion—Breach of rules of natural justice.
Annamunthodo v. Oilfield Workers' Trade Union, P.C. [1961] A.C. 945; [1961] 3 W.L.R. 650.

WILL. (*See also* ADMINISTRATION OF ESTATES; EXECUTOR AND ADMINISTRATOR; PROBATE; TRUSTS.)

Acceleration. (*See also* **Construction**; *Acceleration.*)

Surplus income

Gift of vested interest defeasible on death in certain circumstances—Gift given "on the death of these three beneficiaries"—Whether gift of interest vested in possession or of future vested interest—Whether future vested interest subject to defeasance carried intermediate income.
In re **Nash's Will Trusts,** Ungoed-Thomas J. [1965] 1 W.L.R. 221.

Attestation

Acknowledgment

Acknowledgment made with will in testator's pocket—Subsequent attestation—Whether a valid execution—Wills Act, 1837, s. 9.
In re **Groffman, decd.,** Sir Jocelyn Simon P. [1969] 1 W.L.R. 733.

Additional signatures

Whether as attesting witnesses—Test applicable—Signature by beneficiaries—Whether should be allowed to take where two other witnesses to whom no benefit given—Wills Act, 1837, s. 15. **In the Estate of Bravda, decd.,** Cairns J. [1967] 1 W.L.R. 1080.
C.A. [1968] 1 W.L.R. 479.

WILL—*continued.*

Attestation—*continued.*

Proof

Proper attestation clause in draft—Omnia praesumuntur rite esse acta.
In re **Webb, decd.,** Faulks J. [1964] 1 W.L.R. 509.

Two signatures

Signatures at top and bottom of will—Top one attested—Omnia praesumuntur rite esse acta—Incorporation of documents by reference—Wills Act, 1837, s. 9—Wills Amendment Act, 1852, s. 1.
In the Estate of Bercovitz, decd., Phillimore J. [1961] 1 W.L.R. 892.
C.A. [1962] 1 W.L.R. 321.

Witness, competency of

Whether affected by privilege.
In the Estate of Fuld, decd., Scarman J. [1965] P. 405; [1965] 3 W.L.R. 162.

Capital or income. *See* Capital or Income.

Charge on real property

Part purchase price outstanding

Whether charge on property—" Contrary intention " in will—Real Estate Charges Acts, 1854–1877 (Locke Kings Acts). **Allis v. Katah,** P.C. [1963] 1 W.L.R. 202.

Charity. *See* Charity.

Commorientes

Mutual wills

Testator feloniously killed by surviving spouse.
In re **Dellow's Will Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 451.

Conflict of laws. *See* Confict of Laws.

Construction. (*See also* Power of Appointment; Settlement; Trusts.)

Acceleration. (*See also* Settlement (**Construction**).)

Forfeiture clause—Time of application—Life interest released to remainderman—" Under the limitations " herein—Name and arms clause.
In re **Howard's Will Trusts,** Wilberforce J. [1961] Ch. 507; [1961] 2 W.L.R. 821.

Release of life interest—Gift of income to son for life and after his death the capital to his children on attaining 21—Son's surrender of life interest to trustees—Interest to " cease merge and be extinguished " in children's reversionary interests—Whether composition of class altered—Whether rule in *Andrews* v. *Partington* applicable.
In re **Harker's Will Trusts,** Goff J. [1969] 1 W.L.R. 1124.

——————————Gift of part of residue to nephew for life and after his death to his children—Release by nephew of life interest—Whether composition of class altered —Whether rule in *Andrews* v. *Partington* applicable.
In re **Kebty-Fletcher's Will Trusts,** Stamp J. [1969] 1 Ch. 339; [1968] 2 W.L.R. 34.

Surplus income—Gifts of residue " after death of " annuitant—Whether surplus income during lifetime of annuitant undisposed of—Whether to be divided between contingent capital beneficiaries—Whether to be accumulated.
In re **Geering, decd.,** Cross J. [1964] Ch. 136; [1962] 3 W.L.R. 1541.

Accruer

Income on two funds, each of £20,000, to daughters W and D for life—Gift of " the capital sum of £20,000," after death of daughters or either of them to children of " such daughter on attaining 21 "—Gift over to residue in default—Subsequent direction to divide income of different fund between daughters for life or " to the survivor . . . or their issue as aforesaid "—Whether D entitled to W's share on W's death without issue, by implied cross remainder.
In re **Bateman's Will Trusts,** Pennycuick V.-C. [1970] 1 W.L.R. 1463.

Annuity. (*See also* Revenue (**Estate duty**).)

Arrears—Whether interest payable—Whether surplus income may be accumulated to provide for deficiencies in future years—Law of Property Act, 1925, s. 164.
In re **Berkeley, decd.,** Cross J. [1968] Ch. 154; [1967] 3 W.L.R. 1312.

Charged primarily on income of residuary estate—Income insufficient to meet annuity—Paid out of capital—Whether capital can be recouped out of surplus income during subsistence of annuity—Delay in payment of annuity—Due to insufficiency of available income—No blame attached to those bound to pay—Whether interest payable on arrears.
In re **Berkeley, decd.,** C.A. [1968] Ch. 744; [1968] 3 W.L.R. 253.

Direction to pay balance of income subject to direction to pay annuities " without recourse to capital "—Whether annuity a continuing charge on income.
In re **Chance's Will Trusts,** Wilberforce J. [1962] Ch. 593; [1962] 1 W.L.R. 409.

WILL—*continued.*

Construction—*continued.*

Annuity—continued.

Payment—Surplus income—Accumulation retained by trustees to secure annuitants in case of future income deficiency—Whether an unlawful accumulation—Accumulations Act, 1800, s. 1—Law of Property Act, 1925, s. 164 (1).
In re **Berkeley, decd.**, C.A. [1968] Ch. 744; [1968] 3 W.L.R. 253.

Testamentary annuity to be paid primarily out of income of residuary estate—Covenanted annuity under marriage settlement confirmed by will—Whether a debt—Estate settled on successive interests—Whether covenanted annuity to be borne by capital and income in accordance with established rule or wholly out of income—Intention of testator.
In re **Berkeley, decd.**, C.A. [1968] Ch. 744; [1968] 3 W.L.R. 253.

Appointment

Executors—Firm of solicitors "to act through any partner or partners at the date of my death not exceeding two in number"—Whether appointment valid.
In re **Horgan, decd., Latey J.** [1970] 2 W.L.R. 393.

Bank account

Bequest of "cash in Lloyds Bank"—Money on current account and deposit account—Whether gift comprised sums in both current and deposit accounts or only sum in current account—Home-made will.
In re **Stonham**, Wilberforce J. [1963] 1 W.L.R. 238.

Charitable bequest. See CHARITY.

Children

Adoption—Gift to child or children—Whether adopted child to benefit—Adopter unlikely to bear children—Intention—Circumstances known to testator at time of will—Adoption of Children Act, 1926, s. 5 (2).
In re **Jebb, decd.**, C.A. [1966] Ch. 666; [1965] 3 W.L.R. 810.

————————Whether child adopted out of family to benefit—Intention—Admissibility in evidence of testamentary dispositions in previous wills and of statements made by testator—Adoption Act, 1958, s. 16 (2) (*b*).
In re **Jones's Will Trusts,** Buckley J. [1965] Ch. 1124; [1965] 3 W.L.R. 506.

Contingent interest in favour of child of T. carrying whole beneficial interest, followed by gift "in case there shall be no child of [T.]"—Whether ultimate gift vested or contingent. *In re* **Peel's Settlement Trusts,** Buckley J. [1964] 1 W.L.R. 1232.

"Grandchildren"—Appointment after Adoption Act, 1950, in exercise of special power granted before Act—Whether appointment "disposition"—Adoption Act, 1950, s. 13 (2).
In re **Brinkley's Will Trusts,** Buckley J. [1968] Ch. 407; [1968] 2 W.L.R. 217.

Period of distribution—Fund settled in trust "for such of the children . . . as . . . attain the age of 21 years whether now living or hereafter to be born"—Time for ascertaining class—Rule of convenience.
In re **Wernher's Settlement Trusts,** Buckley J. [1961] 1 W.L.R. 136.

Surviving—Gift to such children of granddaughter "as shall survive me"—Whether children of granddaughter born after testator's death included—Whether "survive" to be given ordinary meaning—Intention of testator—Whether class restricted—Whether bequest capricious.
In re **Allsop, decd.**, C.A. [1968] Ch. 39; [1967] 3 W.L.R. 793.

Class gift

Gift of income to children of named children—Discretionary trusts—Whether class remains open after testator's death.
In re **Ward,** Russell L.J. [1965] Ch. 856; [1964] 3 W.L.R. 957.

Gift to next-of-kin "who shall be living at the death of both" testator's daughters—Next-of-kin at dates of will and testator's death two daughters—Clear intention to exclude daughters from gift to next-of-kin—Class to be ascertained at death of surviving daughter. *In re* **Clanchy's Will Trusts,** C.A. [1970] 2 All E.R. 489.

Codicil

Revocation—Subsequent will revoking first—Codicil to the first will—Whether first will confirmed. *In re* **Pearson, decd.**, Plowman J. [1963] 1 W.L.R. 1358.

Commorientes

"Coincide," meaning of—Home-made will—Whether deaths of husband and wife "coincided"—Passengers on ship lost without survivors—Intended meaning to be deduced from context of will—"Coincide" equivalent to "simultaneous"—Insufficient evidence—Law of Property Act, 1925, s. 184.
In re **Rowland, decd.**, C.A. [1963] Ch. 1; [1962] 3 W.L.R. 637.

WILL—*continued.*

Construction—*continued.*

Condition subsequent

Gift of life interest to daughter's widower "so long as he shall remain the [daughter's] widower"—Widower remarried at the date of testatrix's death—Subsequent annulment of marriage—Capital and income retained by trustees pending result of summons—Whether daughter's widower entitled to life interest—Whether next of kin entitled to income until declaration of nullity of marriage—Doctrine of relation back.
In re **D'Altroy's Will Trusts,** Pennycuick J. [1968] 1 W.L.R. 120.

Contingent interest or mere expectancy

Codicil—Codicil substituting widow for son as life-tenant of trust income—Disposal of trust income in period between death of life-tenant and date of attainment of majority by next holder of family title—Income to be held on "like trusts . . . in . . . will [as] after the death of [the earl]"—Person entitled—Whether gift to presumptive heir of living person [the earl] confers present interest.
In re **Midleton's Will Trusts,** Stamp J. [1969] 1 Ch. 600; [1967] 3 W.L.R. 965.

Contingent pecuniary legacies

"Estate duty . . . to become on my death payable . . . in respect of . . . legacies made by me" to be borne by legatees—Prior successive life interests—Liability of legatees to contribute rateable proportion of estate duty in connection with testator's death.
In re **Maryon-Wilson's Will Trusts,** Ungoed-Thomas J. [1968] Ch. 268; [1967] 3 W.L.R. 1476.

Date of vesting

Direction to realise and divide residue—Gift of share to any "National Appeal which may exist at the time when the residue of my estate is realised as aforesaid"—No power to postpone realisation—Whether perpetuity rule infringed.
In re **Petrie,** C.A. [1962] Ch. 355; [1961] 3 W.L.R. 1348.

"*Except upon attaining 21 years*"

Appointment under power in will—Statutory Will Forms, 1925, Pt. II, Form 9.
In re **Sumner's Will Trusts,** Stamp J. [1969] 1 W.L.R. 373.

Extrinsic evidence

Misdescription—Former wills—Admissibility—Bequest of "My 750 . . . shares"—Testatrix beneficially entitled to 7,500 shares—Whether bequest passing 750 shares and no more. *In re* **Tetsall, decd.,** Cross J. [1961] 1 W.L.R. 938.

Whether intention to include adopted child.
In re **Jebb, decd.,** C.A. [1966] Ch. 666; [1965] 3 W.L.R. 810.

Whether intention to include child adopted by stranger—Whether what testator said that will meant relevant—"Unless the contrary intention appears"—Meaning—Adoption Act, 1958, s. 16 (2) (*b*).
In re **Jones's Will Trusts,** Buckley J. [1965] Ch. 1124; [1965] 3 W.L.R. 506.

"*Failure or determination*" *of prior trusts*

Power of appointment—Exercise of power—Accruer provision—Trusts void for perpetuity.
In re **Robinson's Will Trusts,** Plowman J. [1963] 1 W.L.R. 628.

"*Free of duty*"

"All death duties"—Pecuniary legacies expressed to be "free of all duties"—No reference to duties in specific devise and in specific bequest—Direction in residuary gift to pay "all death duties"—Whether specific devisee liable to pay proportion of estate duty. *In re* **Phuler's Will Trusts,** Wilberforce J. [1965] 1 W.L.R. 68.

——————Specific devise of named estate without reference to duty—Bequests of personalty expressed variously to be "free" or "clear of all duties" and of "all death duties"—Some bequests without reference to duty—Residuary devise and bequest after payment of ". . . all death duties"—Liability of specific devisee to pay proportion of estate duty. *In re* **Neeld, decd. (No. 2) (Note),** C.A. [1965] 1 W.L.R. 73.

Legacies given "free of duty"—Legacy duty abolished after death of testatrix but before legacies payable—Whether legacies exonerated from estate duty.
In re **Paterson's Will Trusts,** Cross J. [1963] 1 W.L.R. 623.

Settled legacy—"Free of death duty"—Whether estate duty payable on deaths of life tenants of settled legacies payable out of capital of settled legacy or out of residue.
In re **Embleton's Will Trusts,** Cross J. [1965] 1 W.L.R. 840.

Gifts to testator's daughter and son

"Shall not take effect" until testator's wife's death—Whether "take effect" means vesting in possession or indefeasibly.
In re **McGeorge, decd.,** Cross J. [1963] Ch. 544; [1963] 2 W.L.R. 767.

Home for aged

Meaning. *In re* **Payling's Will Trusts,** Buckley J. [1969] 1 W.L.R. 1595.

Hospital. See NATIONAL HEALTH SERVICE.

WILL—*continued.*

Construction—*continued.*

Identical bequests

Bequest in later codicil identical with bequest in unrevoked earlier codicil—Court of construction or probate—Principles applied by court of construction—Existing scheme of benefit—Necessity for clear intention to revoke—Whether bequest cumulative or substitutional.
In re **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

Incorporation by reference

"My last will and testament" followed by signature—Whether effective to incorporate provisions following on same sheet of paper.
In the Estate of Bercovitz, decd., C.A. [1962] 1 W.L.R. 321.

Insensible words

Words apparently of contingency—Gift over—Engrafted trusts—Whether divested under rule in *Maddison* v. *Chapman*—Whether literal construction avoidable.
In re **Macandrew's Will Trusts,** Ungoed-Thomas J. [1964] Ch. 704; [1963] 3 W.L.R. 822.

Intention of testator

Residuary gift—Proviso for gift over "If any of the trusts shall fail"—Will witnessed by beneficiary's wife—Gift made null and void—Whether failure of gifts to other beneficiaries—Whether gift over under proviso of void share or whether undisposed of—Wills Act, 1837, s. 15.
In re **Doland's Will Trusts,** Buckley J. [1970] Ch. 267; [1969] 3 W.L.R. 614.

Legacies to "issue"

Whether "issue" restricted to "children" or includes issue of all degrees—Whether issue must survive parent—Whether issue take as tenants in common or joint tenants.
In re **Manly, decd.,** Ungoed-Thomas J. [1969] 1 W.L.R. 1819.

Male descendants

Ordinary and natural meaning—Whether a term of art—Whether restricted to descent through males—Whether including descent through females.
In re **Drake, decd.,** Burgess V.-C. [1969] 3 All E.R. 1360.
C.A. [1970] 3 W.L.R. 228.

"Month"

House to wife if living "at the expiration of a period of three months from my death"—Whether lunar or calendar months—Law of Property Act, 1925, s. 61 (*a*).
In re **Figgis, decd.,** Megarry J. [1969] 1 Ch. 123; [1968] 2 W.L.R. 1173.

Name and arms clause. See NAME AND ARMS CLAUSE.

Omission

Filled by reference to words in subsequent clause—Name and arms clauses.
In re **Neeld, decd.,** C.A. [1962] Ch. 643; [1962] 2 W.L.R. 1097.

Gift of option—Exercisable within three months of obtaining consent of testator's wife or date of her death—Wife predeceased testator—Validity of gift—Event not dealt with—Probable intention of testator—Whether court able to supply missing words.
In re **Hammersley, decd.,** Plowman J. [1965] Ch. 481; [1965] 2 W.L.R. 938.

Implied power of appointment—Words inserted—Power of appointment to child of testator taking life interest in settled share to appoint among his or her children or remoter descendants. *In re* **Riley's Will Trusts,** Buckley J. [1962] 1 W.L.R. 344

Option

Option to testator's son to purchase testator's business premises—Option exercisable on death of widow—Bequest of testator's business to son—Son in business at date of will—Son's death before widow—Whether option personal to son—Whether transmissible to son's estate. *In re* **Zerny's Will Trusts,** C.A. [1968] Ch. 415; [1968] 2 W.L.R. 1066.

Pecuniary legacy

Gift of £200 out of half of trust fund "in the event of the death of either of my . . . daughters . . . without leaving issue"—Remainder of that half of fund to accrue to other daughter and her issue—Successive deaths of both daughters without either leaving issue—£200 payable on each death.
In re **Clanchy's Will Trusts,** C.A. [1970] 2 All E.R. 489.

Person born in testator's lifetime

Beneficiary en ventre sa mère—Rule of perpetuity—Person falling within the reason and motive of gift. *In re* **Stern, decd.,** Russell J. [1962] Ch. 732; [1962] 2 W.L.R. 161.

"Personal chattels"

Gift of "my . . . personal jewellery"—Gift to small boy by male testator—Whether testator's deceased wife's jewellery included—Whether limited to testator's own personal jewellery. *In re* **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

WILL—*continued.*
Construction—*continued.*
"*Personal chattels*"—*continued.*
Stamp collection valued at £1,848—Whether "articles of . . . personal use"—Whether included in bequest of "personal chattels" as defined by section 55 (1) (*x*) of the Administration of Estates Act, 1925—Administration of Estates Act, 1925, s. 55 (1) (*x*).
In re **Reynolds' Will Trusts,** Stamp J. [1966] 1 W.L.R. 19.

Personal effects
"All my personal and household goods and effects"—Separate bequest of books, etchings and photographs.
In re **Mengel's Will Trusts,** Buckley J. [1962] Ch. 791; [1962] 3 W.L.R. 311.

Power of appointment. See POWER OF APPOINTMENT.

Power of selection
Revocation—Power to appoint income to named charities during joint lives of executors and after their deaths to go to charities—Charities selected during joint lives—Successive appointments of capital—Whether indefinite disposition of income equivalent to disposition of capital.
In re **Beesty's Will Trusts,** Wilberforce J. [1966] Ch. 223; [1964] 3 W.L.R. 689.

Power of settlement
Discretion of trustees to settle fund on beneficiary with "ulterior or ultimate trusts" as they should think fit—Meaning—Whether mere fiduciary power or trust—Whether delegation of testamentary powers—Validity.
In re **Abrahams' Will Trusts,** Cross J. [1969] 1 Ch. 463; [1967] 3 W.L.R. 1198.

Principles applicable
Real intention of testator—Whether relevant.
In re **Rowland, decd.,** C.A. [1963] Ch. 1; [1962] 3 W.L.R. 637.

Protected interest. See TRUSTS.

"*Reasonable income*"
Direction to pay beneficiary a reasonable income during her lifetime—No discretion given to executor to decide amount—Whether void for uncertainty.
In re **Golay's Will Trusts,** Ungoed-Thomas J. [1965] 1 W.L.R. 969.

Religion
Christianity—Provisos that beneficiaries should be "a member of the Church of England or of some Church abroad professing the same tenets"—Variation of condition by codicil—Whether codicil affecting both provisos—Whether condition uncertain.
In re **Mills' Will Trusts,** Stamp J. [1967] 1 W.L.R. 837.

Residuary gift
"All the rest of my trust estate"—Interest on shares not effectively disposed of.
In re **Saxone Shoe Co. Ltd.'s Trust Deed,** Cross J. [1962] 1 W.L.R. 943.

Residue on trust for sale
Permission to life tenant to reside in house "for so long as she wishes"—Codicil directing house to be transferred to remainderman if he so desired—Whether house held on trust for sale or settled land—Whose consent required to sale—Law of Property Act, 1925, s. 205 (1) (xxix).
In re **Herklots' Will Trusts,** Ungoed-Thomas J. [1964] 1 W.L.R. 583.

Settled land
Maintenance of—Whether annual payments to be debited before or after testamentary annuities. *In re* **Berkeley, decd.,** C.A. [1968] Ch. 744; [1968] 3 W.L.R. 253.

Solicitor, gift to
Appointment of solicitor as executor with another—Gift in his personal capacity "if he shall prove" the will "and act in the trusts hereof"—Provisions for his appointment in professional capacity and for charging—Will proved and estate administered for a time professionally and then as executor non-professionally—Whether condition fulfilled.
In re **Parry, decd.,** Pennycuick J. [1969] 1 W.L.R. 614.

Specific bequest of another's property
"All shares which I hold and any other interest or assets which I may have"—Testatrix held no shares—Testatrix sole beneficiary and administratrix under husband's intestacy—Shares registered in husband's name at her death—Whether specific gift effective—Wills Act, 1837, s. 3.
In re **Leigh's Will Trusts,** Buckley J. [1970] Ch. 277; [1969] 3 W.L.R. 649.

WILL—*continued.*

Construction—*continued.*

Substitutionary gift

Gift of house for convalescent home—" If at any time it shall prove impracticable to carry on . . . said convalescent home then . . ." gift over for other hospital purposes—Use of house found impracticable—Whether gift over on initial or only subsequent failure. *In re* **Adams, decd.**, Cross J. [1967] 1 W.L.R. 162.

Gift of trust fund for " endowing beds for paying patients " in specified hospital—" Endowment "—Meaning—No requirement at hospital for further paying beds—Whether gift limited to capital expenditure—Whether can be used to provide higher standard of amenities for patients in existing beds—" Endow "—" Endowing." *In re* **Adams, decd.**, C.A. [1968] Ch. 80; [1967] 3 W.L.R. 1088.

Trust or beneficial interest

Bequest to " trustee absolutely " to apply in accordance with letters or memoranda to be left by testator and otherwise as trustee " may in his absolute discretion think fit "—No letters or memoranda left by testator—Whether trustee to take beneficially or on trust for next-of-kin. *In re* **Pugh's Will Trusts**, Pennycuick J. [1967] 1 W.L.R. 1262.

Uncertainty. (*See also* CHARITY (**Class, gift for limited**); NAME AND ARMS CLAUSE; TRUSTS.)

Bequest to business name—Bequests of residue to nine animal welfare organisations—Designated beneficiaries including named animal hospital carried on by individual under registered business name—Business name ceasing to exist before date of will—No evidence of testatrix's knowledge that named animal hospital private enterprise and not charity—Whether individual continuing to carry on same business entitled to bequest—Failure of gift—Will showing general charitable intention to benefit animals—Scheme cy-près ordered. *In re* **Satterthwaite's Will Trusts**, C.A. [1966] 1 W.L.R. 277.

Condition precedent or subsequent—Gift in event of son becoming engaged to marry a " person professing the Jewish faith "—Whether condition precedent—Validity. *In re* **Abrahams' Will Trusts**, Cross J. [1969] 1 Ch. 463; [1967] 3 W.L.R. 1198.

——————————Gift over if beneficiary " shall marry out of the Jewish faith "—Whether condition precedent or subsequent—Validity. *In re* **Selby's Will Trusts**, Buckley J. [1966] 1 W.L.R. 43.

Gift of residuary estate to trustees with powers and trusts in favour of beneficiaries, or some of them—Class of beneficiaries defined to include objects clearly charitable but also " such other organisation or body not being registered as a charity but in the opinion of my trustees as having charitable objects "—Whether void for uncertainty or otherwise—Distinction between validity of a power and of a trust. *In re* **Wootton, decd.**, Pennycuick J. [1968] 1 W.L.R. 681.

Investment clause—Discretion to invest in stocks and shares of " blue chip " category. *In re* **Kolb's Will Trusts**, Cross J. [1962] Ch. 531; [1961] 3 W.L.R. 1034.

Misdescription—" My 750 shares in X Company "—7,500 shares held. *In re* **Tetsall, decd.**, Cross J. [1961] 1 W.L.R. 938.

Options to purchase farms " at a reasonable valuation "—No provision in will for mode of valuation—Whether options void for uncertainty—How, if valid, to be valued—Date of valuation—Whether exercise of options compulsory before valuation. **Talbot v. Talbot**, C.A. [1968] Ch. 1; [1967] 3 W.L.R. 438.

Power to appoint to " any of my old friends "—Validity. *In re* **Gibbard's Will Trusts**, Plowman J. [1967] 1 W.L.R. 42.

Remoteness — Gift to issue of M., who " being male shall attain 21 years, or being female shall attain that age or marry "—Proviso that issue of any deceased child of M. should take per stirpes and not per capita—No issue of M. living at testator's death—Whether gift void for uncertainty or for remoteness—Whether rule in *Andrews v. Partington* applicable. *In re* **Cockle's Will Trusts**, Stamp J. [1967] Ch. 690; [1967] 2 W.L.R. 637.

Valuation

Option to take house in part satisfaction of pecuniary legacy at " valuation agreed for probate "—Whether value accepted for grant of probate or that finally agreed for estate duty purposes. *In re* **De Lisle, decd.**, Pennycuick J. [1968] 1 W.L.R. 322.

Dependent relative revocation

Destruction of will

Revocation clause in later will—Destruction of later will—Destruction in belief earlier will valid—Earlier will invalid. **In the Estate of Bridgewater, decd.**, Scarman J. [1965] 1 W.L.R. 416.

Effect. *See* ADMINISTRATION OF ESTATES; PROBATE.

WILL—*continued.*

Election

Bequest of property of another

Property communally owned by husband and wife by law of domicile of marriage—Change of domicile—Bequest of "all my personal effects" to wife—Bequest of residue—Whether doctrine of election applicable.
In re **Mengel's Will Trusts,** Buckley J. [1962] Ch. 791; [1962] 3 W.L.R. 311.

Entailed interest. *See* ENTAILED INTEREST.

Estate duty. *See* REVENUE.

Hotchpot. *See* HOTCHPOT.

Intermediate income

Future specific devise

Income undisposed of—Whether carrying intermediate income—Law of Property Act, 1925, s. 175. *In re* **McGeorge, decd.,** Cross J. [1963] Ch. 544; [1963] 2 W.L.R. 767.

Knowledge and approval of testator

Requirement a rule of evidence

Undue influence—Whether doctrine a rule of substantive law.
In the Estate of Fuld, decd. (No. 3), Scarman J. [1968] P. 675; [1966] 2 W.L.R. 717.

Mistake

Codicil

Draftsman's slip—Clause 7 of will revoked instead of clause 7 (iv)—Powers of Probat Court to rectify. *In re* **Morris, decd.,** Latey J. [1970] 2 W.L.R. 865.

Power of appointment. *See* POWER OF APPOINTMENT.

Public policy

Marriage condition

Bequest increased "if my . . . daughter shall be divorced or shall live separately" from her husband—Whether incentive to break up marriage—Whether void as contrary to public policy.
In re **Johnson's Will Trusts,** Buckley J. [1967] Ch. 387; [1967] 2 W.L.R. 152.

Revocation

Codicil

Bequest in later codicil identical with bequest in unrevoked earlier codicil—Whether cumulative. *In re* **Resch's Will Trusts,** P.C. [1969] 1 A.C. 514; [1968] 3 W.L.R. 1153.

Conditional

Estate in England and in Germany—Separate disposition of German estate—Ineffective under German law—Codicil revoking provisions regarding German estate—Whether revocation contingent upon effective disposition of German estate—Validity of revocation.
In re **Feis, decd.,** Cross J. [1964] Ch. 107; [1963] 3 W.L.R. 451.

Destruction

Destruction by testator with intention of setting up earlier will—Admissibility of written statement by testator to prove destruction—Evidence Act, 1938, s. 1.
In the Estate of Bridgewater, decd., Scarman J. [1965] 1 W.L.R. 416.

Revival

Subsequent will revoking first—Codicil to first will—Effect.
In re **Pearson, decd.,** Plowman J. [1963] 1 W.L.R. 1358.

Seaman's will

Oral statement

Statement whilst at sea—"If anything happens to me Iris will get anything I have got"—Whether testamentary act—Wills Act, 1837, s. 11.
In the Estate of Knibbs, decd., Wrangham J. [1962] 1 W.L.R. 852.

Signature. *See* **Attestation.**

Specific devise

Freehold house

Part of house subject to lease granted by testatrix—Covenant by testatrix to keep exterior in good and tenantable repair—Whether cost of repairs ordered by testatrix before death to be borne by specific devisee or by residuary estate.
In re **Day's Will Trusts,** Buckley J. [1962] 1 W.L.R. 1419.

WILL—*continued.*

Validation by Act of 1861

British subject dying domiciled in Germany

Will and codicil executed in England—Whether instruments formally valid—Wills Act, 1861, s. 2. **In the Estate of Fuld, decd. (No. 3),** Scarman J. [1968] P. 675; [1966] 2 W.L.R. 717.

British subject with domicile of origin in England

Foreign domicile at date of death—Will made in 1957 valid under foreign law—Will made abroad in 1958 invalid under foreign law—Dispositions not the same in both wills—Administration with both wills annexed granted in England in 1959 to attorneys for executor of foreign will— Whether 1958 will a valid and effective disposition—Whether English assets payable to foreign executor—Duty of court with regard to 1958 will—Whether distributable on footing that 1958 will valid and effective—Wills Act, 1861, ss. 1, 4. *In re* **Manifold, decd.,** Buckley J. [1962] Ch. 1; [1961] 2 W.L.R. 456.

WINDING UP

Company. *See* Company.

WINDOW CLEANER. *See* Factory (**Secure foothold**).

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"*Abandoned*"—**Adoption Act, 1958, s. 5 (1) (a).**
In re **R. (Adoption),** Buckley J. [1967] 1 W.L.R. 34.

——————Town and Country Planning Legislation.
Hartley v. Minister of Housing and Local Government, D.C. [1969] 2 Q.B. 46; [1969] 2 W.L.R. 137.

"*Abnormal indivisible load*"—Motor Vehicles (Authorisation of Special Types) General Order, 1955, art. 13. **Sunter Brothers Ltd. v. Arlidge,** Divl.Ct. [1962] 1 W.L.R. 199.
Siddle C. Cook Ltd. v. Arlidge, Divl.Ct. [1962] 1 W.L.R. 203.

"*Absence*"—Matrimonial Causes Act, 1950, s. 14 (3).
Wilkinson v. Wilkinson, Karminski J. [1962] P. 37; [1961] 3 W.L.R. 297.
C.A. [1963] P. 1; [1962] 3 W.L.R. 1.

"*Absent from work*"—**Contracts of Employment Act, 1963, Sch. 1, para. 5 (c).**
Southern Electricity Board v. Collins, D.C. [1970] 1 Q.B. 83; [1969] 3 W.L.R. 147.

"*Absolute*"—R.S.C., Ord. 36, r. 1 (3).
Ward v. James, C.A. [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455.

"*Absolutely entitled as against the trustee*"—Finance Act, 1965, s. 22 (5).
Tomlinson v. Glyns Executor and Trustee Co., C.A. [1970 Ch. 112; [1969] 3 W.L.R. 310.

"*Absolutely free*"—Commonwealth of Australia Constitution Act, 1900, s. 92.
Freightlines & Construction Holding Ltd. v. State of New South Wales, P.C. [1968] A.C. 625; [1967] 3 W.L.R. 749.

"*Abutting*"—**Highways Act, 1959, s. 295 (1).**
Buckinghamshire County Council v. Trigg, Divl.Ct. [1963] 1 W.L.R. 155.

"*Acceptance*"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2.
Bowlas v. Bowlas, Divl. Ct. [1965] P. 450; [1965] 2 W.L.R. 1133.

"*Accepted*"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 16.
Kirkwood v. Kirkwood, D.C. [1970] 1 W.L.R. 1042

"*Accepted as one of the family*"—Matrimonial Causes Rules, 1968, r. 2 (2) (b).
P. v. P., Lawton J. [1969] 1 W.L.R. 898.

"*Accident*"—National Insurance (Industrial Injuries) Act, 1946, s. 7 (1).
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union,** *In re* **Dowling,** H.L.(E.) [1967] 1 A.C. 725; [1967] 2 W.L.R. 516.

——————National Insurance (Industrial Injuries) Acts, 1946–1964, s. 36 (1) (c).
Reg. v. Deputy Industrial Injuries Comr., *Ex parte* **Amalgamated Engineering Union,** *In re* **Dowling,** Divl.Ct. and C.A. [1967] 1 Q.B. 202; [1966] 2 W.L.R. 1301.

——————Road Safety Act, 1967, s. 2 (2). **Reg. v. Seward,** C.A. [1970] 1 W.L.R. 323.

"*Accidental slip or omission*"—R.S.C. (Rev. 1965), Ord. 20, r. 11.
Harkness v. Bell's Asbestos and Engineering Ltd., C.A. [1967] 2 Q.B. 729; [1967] 2 W.L.R. 29.

"*Accord . . . precedence*"—Pedestrian Crossings Regulations, 1954, reg. 4.
Burns v. Bidder, Divl.Ct. [1967] 2 Q.B. 227; [1966] 3 W.L.R. 99.

"*Accrue*"—Town and Country Planning Act, 1947, s. 65 (3).
In re **Sneyd, decd.,** Pennycuick J. [1961] 1 W.L.R. 575.

"*Accrues or arises*"—Finance Act, 1894, s. 2 (1) (b).
In re **Harris's Will Trusts,** Buckley J. [1966] Ch. 475; [1966] 2 W.L.R. 608.

"*Acknowledgment*"—Limitation Act, 1939, s. 24 (1).
Dungate v. Dungate, Edmund Davies J. and C.A. [1965] 1 W.L.R. 1477.

——————Limitation Act, 1939, ss. 23 (4), 24 (1) (2).
In re **Flynn, decd. (No. 2),** Buckley J. [1969] 2 Ch. 403; [1969] 2 W.L.R. 1148.

"*Acknowledgment of the claim*"—Limitation Act, 1939, s. 23 (4).
Good v. Parry, C.A. [1963] 2 Q.B. 418; [1963] 2 W.L.R. 846.

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"*Acquires*"—Restrictive Trade Practices Act, 1956, s. 25 (2) (*a*).
John Mackintosh & Sons Ltd. v. Baker's Bargain Stores (Seaford) Ltd., Browne J. (1965) L.R. 5 R.P. 305; [1965] 1 W.L.R. 1182.

"*Act or default of another person*"—Trade Descriptions Act, 1968, s. 24 (1) (*a*).
Tesco Supermarkets Ltd. v. Nattrass, D.C. [1970] 3 W.L.R. 572.

————Trade Descriptions Act, 1968, s. 24 (1) (*a*).
Beckett v. Kingston Bros. (Butchers) Ltd., D.C. [1970] 1 Q.B. 606; [1970] 2 W.L.R. 558.
Sunair Holidays Ltd. v. Dodd, D.C. [1970] 1 W.L.R. 1037.

"*Act or omission constituting the offence*"—Fugitive Offenders Act, 1967, s. 3 (1) (*c*).
Reg. v. Governor of Brixton Prison, *Ex parte* **Gardner,** Divl.Ct. [1968] 2 Q.B. 399; [1968] 2 W.L.R. 512.

"*Action . . . in respect of a person's death*"—Limitation Act, 1963, s. 3.
Lucy v. W. T. Henleys Telegraph Works Co. Ltd., C.A. [1970] 1 Q.B. 393; [1969] 3 W.L.R. 588.

"*Action . . . relating to land*"—Land Charges Act, 1925, s. 2 (1).
Heywood v. B. D. C. Properties Ltd. (No. 2), Plowman J. [1964] 1 W.L.R. 267.
Taylor v. Taylor (1968), C.A. [1968] 1 W.L.R. 378.

"*Activities*"—Industrial Training Act, 1964, s. 1 (2).
Hotel and Catering Industry Training Board v. Automobile Proprietary Ltd., C.A. [1968] 1 W.L.R. 1526.

————Selective Employment Payments Act, 1966, s. 1 (2).
Fisher-Bendix Ltd. v. Secretary of State for Employment and Productivity, C.A. [1970] 1 W.L.R. 856

————Selective Employment Payments Act, 1966, s. 1 (2) (*a*) (i).
Lord Advocate v. Reliant Tool Co., H.L.(Sc.) [1968] 1 W.L.R. 205.

————Selective Employment Payments Act, 1966, s. 2 (2) (3) (*a*).
C. Maurice & Co. Ltd. v. Minister of Labour, C.A. [1968] 1 W.L.R. 1337. H.L.(E.) [1969] 2 A.C. 346; [1969] 2 W.L.R. 797.

"*Activity*"—Redundancy Payments Act, 1965, s. 25 (1).
Dallow Industrial Properties Ltd. v. Else, Divl.Ct. [1967] 2 Q.B. 449; [1967] 2 W.L.R. 1352.

"*Actual fault or privity*"—Merchant Shipping Act, 1894, s. 503.
The The Lady Gwendolen, Hewson J. [1965] P. 294; [1964] 3 W.L.R. 1062. C.A. [1965] P. 294; [1965] 3 W.L.R. 91

————Canada Shipping Act, 1952, s. 660.
The Hermes, Canada Exchequer Ct. [1969] 2 Lloyd's Rep. 347.

"*Actual occupation*"—Land Registration Act, 1925, s. 70 (1) (*g*).
Strand Securities Ltd. v. Caswell, Cross J. [1965] Ch. 373; [1964] 3 W.L.R. 619. C.A. [1965] Ch. 958; [1965] 2 W.L.R. 958.
Hodgson v. Marks, Ungoed-Thomas J. [1970] 3 W.L.R. 956.

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"*Assisted person*"—Legal Aid (General) Regulations, 1962, reg. 13 (6).
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"*Associated*"—Redundancy Payments Act, 1965, s. 48 (4).
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"*Assumed responsibility*"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2 (5).
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"*At any time*"—Workers' Compensation Act, 1951, s. 12 (1).
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" *Bailee* "—Larceny Act, 1916, s. 1.
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" *Bargain* "—Stock Exchange Rules and Regulations, r. 73.
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" *Bathroom* "—Housing Act, 1964, s. 43 (2).
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" *Benefit of the . . . attachment* "—Companies Act, 1948, s. 325.
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In re **Wykes, decd.,** Buckley J. [1961] Ch. 229; [1961] 2 W.L.R. 115.

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"*Brothel*"—Sexual Offences Act, 1956, s. 33.
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"*Building operation*"—Factories Act, 1961, s. 176 (1).
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"*Costs in any event*"—Court of Appeal order.
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"*Could be likely*"—Motor Vehicles (Driving Licences) (Amendment) Regulations, 1965, Sch.
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"*Credit*"—Bankruptcy Act, 1914, s. 155 (*a*).
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" *Crimes . . . proved by . . . facts on which the surrender is grounded* "—Extradition Act, 1870, s. 19. **Reg. v. Aubrey-Fletcher,** *Ex parte* **Ross-Munro,** Divl.Ct. [1968] 1 Q.B. 620; [1968] 2 W.L.R. 23.

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" *Custody of a parent* "—Law Reform (Limitation of Actions) Act, 1954, s. 2 (2). **Brook v. Hoar,** Melford Stevenson J. [1967] 1 W.L.R. 1336.

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" *Dangerous* "—Dogs Act, 1871, s. 2. **Keddle v. Payn,** Divl.Ct. [1964] 1 W.L.R. 262.

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" *Date of commencement* "—Cover note. **Cartwright v. MacCormack, Trafalgar Insurance Co. Ltd., Third Party,** C.A. [1963] 1 W.L.R. 18.

" *Daughter who has not been married* "—Inheritance (Family Provision) Act, 1938, s. 1 (1) (*b*) (as amended). *In re* **Rodwell, decd.,** Pennycuick J. [1970] Ch. 726; [1969] 1 W.L.R. 1115.

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——————Will. *In re* **Matthews' Will Trusts,** Pennycuick J. [1961] 1 W.L.R. 1415.

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"*Deemed to be proper tax due*"—Purchase Tax Regulations, 1945, r. 12.
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"*Defendant be no longer bound to cohabit with complainant*"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 2. **Wall v. Wall**, Divl.Ct. [1968] 1 W.L.R. 306.

"*Defendant . . . or of any person through whom he claims*"—Limitation Act, 1939, s. 26 (*a*). **Eddis v. Chichester Constable**, C.A. [1969] 2 Ch. 345; [1969] 3 W.L.R. 48.

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"*Demand*"—Betting, Gaming and Lotteries Act, 1963, Sch. 1, para 19 (*b*) (ii).
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"*Deposit*"—Protection of Depositors Act, 1963, s. 26 (1).
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"*Descriptions of goods*"—Restrictive Trade Practices Act, 1956, s. 6 (1) (*c*).
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"*Designed*"—Town and Country Planning Act, 1947, s. 18 (3).
Wilson v. West Sussex County Council, C.A. [1963] 2 Q.B. 764; [1963] 2 W.L.R. 669.

"*Desirable*"—Liverpool Corporation Act, 1921, s. 256.
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"*Determination*"—Income Tax Act, 1952, s. 399 (*b*).
Jamieson v. Inland Revenue Comrs., H.L.(E.) [1964] A.C. 1254; [1963] 3 W.L.R. 156.

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"*Device of a type approved for the purpose of such a test*"—Road Safety Act, 1967, s. 7 (1).
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H.L.(E.) [1970] A.C. 1072; [1969] 3 W.L.R. 1169.

"*Diplomatic agent*"—Diplomatic Privileges Act, 1964, Sch. 1, arts. 30 (1), 31 (1).
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"*Direction*"—County Courts Act, 1959, s. 108.
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"*Directly affected by the appeal*"—R.S.C., Ord. 58, r. 20 (3).
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"*Directly interested in*"—National Insurance Act, 1946, s. 13 (1).
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"*Discontinuance*"—Town and Country Planning Act, 1962, s. 51 (1).
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"*Discontinue to use*"—Will.
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"*Disease . . . contracted after, and not directly attributable to, that accident*"—National Insurance (Industrial Injuries) Act, 1965, Sch. 4, para. 1 (*b*) (ii).
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"*Disentitled to protection in a court of justice*"—Trade Marks Act, 1938, s. 11.
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"*Dishonestly*"—Theft Act, 1968, s. 16 (1).
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"*Dishonestly . . . assists in their retention*"—Theft Act, 1968, s. 22 (1).
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"*Disposition*"—Adoption Act, 1950, s. 13 (2).
In re **Brinkley's Will Trusts,** Buckley J. [1968] Ch. 407; [1968] 2 W.L.R. 217.

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In re **Tyler,** Pennycuick J. [1967] 1 W.L.R. 1269.

"*Disposition . . . not reasonable provision*"—Inheritance (Family Provision) Act, 1938, s. 1 (as amended). *In re* **Goodwin, decd.,** Megarry J. [1969] 1 Ch. 283; [1968] 3 W.L.R. 558.

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C.A. [1969] 1 Ch. 39; [1968] 3 W.L.R. 33.

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" *Disqualified* "—Road Traffic Act, 1960, s. 107.
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" *Distribute* "—Race Relations Act, 1965, s. 6 (2).
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" *Disturbance* "—Land Compensation Act, 1961, s. 5 (6).
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" *Disused* "—Disused Burial Grounds Act, 1884, s. 3—Open Spaces Act, 1887, s. 4.
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" *Doubt arise* "—Geneva Conventions Act, 1962, Sch. 3, art. 5.
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" *Driver* "—Goods Vehicles (Keeping of Records) Regulations, 1935, reg. 5.
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" *Driving* "—Road Safety Act, 1967, s. 2 (1). **Reg. v. Bove,** C.A. [1970] 1 W.L.R. 949.

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" *Dual-purpose* "—Road Traffic Act, 1960, Sch. 1, para. 14.
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" *Exchange contracts* "—Bretton Woods Agreement Order, 1946, art. 8, s. 2 (*b*).
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C.A. [1965] 1 Q.B. 140; [1964] 2 W.L.R. 946.

" *For the purposes of* "—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (1) (*a*). **Polish Historical Institution Ltd. v. Hove Corpn.,** Wilberforce J. (1963) 61 L.G.R. 438.

" *For the purposes of agriculture* "—Town and Country Planning Act, 1947, s. 12 (2) (*e*).
Hidderley v. Warwickshire County Council, Divl.Ct. (1963) 61 L.G.R. 266.

" *For the purposes of poultry farming* "—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2). **Gilmore v. Baker-Carr,** C.A. [1962] 1 W.L.R. 1165.

" *For the time being* "—Import Duties Act, 1958, s. 2 (3) (*c*).
Gallaher Ltd. v. Comrs. of Customs and Excise,
C.A. [1968] 2 Q.B. 674; [1968] 3 W.L.R. 188.
H.L.(E.) [1969] 2 W.L.R. 1209.

" *For use in or in connection with a business carried on by* "—Finance Act, 1962, s. 6 (3).
Warwickshire Publishing Co. Ltd. v. Comrs. of Customs and Excise,
C.A. [1970] 1 W.L.R. 457.

" *Force majeure* "—Charterparty.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food,
C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

" *Foreign state* "—Patents Act, 1949, s. 24 (1).
In re **Al-Fin Corpn.'s Patent,** Graham J. [1970] Ch. 160; [1969] 2 W.L.R. 1405.

" *Forthwith* "—Housing Act, 1957, s. 17 (1). **Hillingdon London Borough Council v. Cutler,**
C.A. [1968] 1 Q.B. 124; [1967] 3 W.L.R. 246.

" *Foster child* "—Children Act, 1958, s. 3 (1). **Surrey County Council v. Battersby,**
Divl.Ct. [1965] 2 Q.B. 194; [1965] 2 W.L.R. 378.

" *Found* "—Constabulary Force Law (Laws of Jamaica, 1953 Rev.), s. 18.
King v. The Queen, P.C. [1969] 1 A.C. 304; [1968] 3 W.L.R. 391.
———Contract (Sale of second-hand yacht).
Docker v. Hyams, C.A. [1969] 1 W.L.R. 1060.

" *Fraud* "—Limitation Act, 1939, s. 26 (*b*). **Clark v. Woor,** Lawton J. [1965] 1 W.L.R. 650.

" *Fraudulently . . . uses* "—Vehicles (Excise) Act, 1967, s. 17 (1).
Reg. v. Manners-Astley, C.A. [1967] 1 W.L.R. 1505.

" *Free of income tax* "—Separation agreement. **Ferguson v. Inland Revenue Comrs.,**
H.L.(Sc.) [1970] A.C. 442; [1969] 2 W.L.R. 1116.

" *Freehold or an extended lease* "—Leasehold Reform Act, 1967, s. 1 (1).
Byrnlea Property Investments Ltd. v. Ramsay, C.A. [1969] 2 Q.B. 253;
[1969] 2 W.L.R. 721.

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" *Fresh evidence* "—Criminal Appeal Act, 1964, s. 4.
Reg. v. Kelly, Ct.-M.A.C. [1965] 1 W.L.R. 730.

" *From* "—Cover note. **Cartwright v. MacCormack (Trafalgar Insurance Co. Ltd. Third Party),** C.A. [1963] 1 W.L.R. 18.

————Limitation Act, 1939, s. 2 (1). **Marren v. Dawson Bentley & Co. Ltd.,** Havers J. [1961] 2 Q.B. 135; [1961] 2 W.L.R. 679.

" *From the hirer . . . otherwise than by action* "—Hire-Purchase Act, 1965, s. 34.
Bentinck Ltd. v. Cromwell Engineering Co., C.A. [1970] 3 W.L.R. 1113.

" *From year to year* "—Rating and Valuation Act, 1925, s. 22 (1) (*b*).
Almond v. Ash Brothers & Heaton Ltd., H.L.(E.) [1969] 2 A.C. 366; [1969] 2 W.L.R. 1024.

" *Frontage* "—Highways Act, 1959, s. 176 (1).
Buckinghamshire County Council v. Trigg, Divl.Ct. [1963] 1 W.L.R. 155.

" *Fronting* "—Highways Act, 1959, s. 213 (2).
Buckinghamshire County Council v. Trigg, Divl.Ct. [1963] 1 W.L.R. 155.

" *Fully wound up* "—Companies Act, 1948, s. 290.
In re **Cornish Manures Ltd.,** Pennycuick J. [1967] 1 W.L.R. 807.

" *Function* "—Finance Act, 1937, s. 19 (4).
Henry Briggs & Co. Ltd. v. Inland Revenue Comrs., H.L.(E.) [1961] 1 W.L.R. 68.

" *Functions* "—Legal Aid and Advice Act, 1949, s. 14 (1) (*a*).
Neill v. Glacier Metal Co. Ltd., Sachs J. [1965] 1 Q.B. 16; [1964] 2 W.L.R. 55.

" *Furniture* "—Purchase Tax Act, 1963, Sch. 1, Part 1, Group 11.
F. Austin (Leyton) Ltd. v. Comrs. of Customs and Excise, Stamp J. [1968] Ch. 529; [1968] 3 W.L.R. 25.

" *Further opportunity to win money or money's worth* "—Betting, Gaming and Lotteries Act, 1963, s. 49 (3) (*d*). **Cronin v. Grierson,** Divl.Ct. [1967] 1 W.L.R. 1147.
H.L.(E.) [1968] A.C. 895; [1968] 2 W.L.R. 634.

" *Gainfully occupied in employment* "—National Insurance Act, 1965, s. 1 (2) (*a*).
In re **J. B. Griffiths, Quinn & Co.,** Cooke J. (1968) 5 K.I.R. 128.

" *Gaming* "—Betting and Gaming Act, 1960, s. 28. **Director of Public Prosecutions v. Regional Pool Promotions Ltd.,** Divl.Ct. [1964] 2 Q.B. 244; [1964] 2 W.L.R. 209.
Director of Public Prosecutions v. Armstrong, Divl.Ct. [1965] A.C. 1262; [1965] 2 W.L.R. 765.
H.L.(E.) [1965] A.C. 1262; [1965] 3 W.L.R. 344.

————Betting, Gaming and Lotteries Act, 1963, s. 55.
McCollom v. Wrightson, Divl.Ct. [1968] 1 Q.B. 412; [1967] 3 W.L.R. 1253.

" *General commission agent* "—Income Tax Act, 1952, s. 373 (1).
Fleming v. London Produce Co. Ltd., Megarry J. [1968] 1 W.L.R. 1013.

" *Generation . . . of power* "—Rating and Valuation Act, 1925, Sch. 3, para. 1 (*a*).
Chesterfield Tube Co. Ltd. v. Thomas, C.A. [1970] 1 W.L.R. 1483.

" *Genuine mistake* "—R.S.C. (Rev. 1965), Ord. 20, r. 5 (3).
Mitchell v. Harris Engineering Co. Ltd., C.A. [1967] 2 Q.B. 703; [1967] 3 W.L.R. 447.

" *Gipsy* "—Highways Act, 1959, s. 127.
Mills v. Cooper, Divl.Ct. [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343.

" *Give proper warning to the public during the hours of darkness* "—Public Utilities Street Works Act, 1950, s. 8 (1) (*a*).
Keating v. Elvan Reinforced Concrete Co. Ltd., C.A. [1968] 1 W.L.R. 722.

" *Given evidence against* "—Criminal Evidence Act, 1898, s. 1 (*f*) (iii).
Reg. v. Stannard, C.C.A. [1965] 2 Q.B. 1; [1964] 2 W.L.R. 461.

" *Given . . . to each of the other parties to the proceedings* "—Criminal Justice Act, 1967, s. 2 (2) (*c*). **Reg. v. Bott,** Veale J. [1968] 1 W.L.R. 583.

" *Gold* "—Exchange Control Act, 1947, s. 42 (1).
Freed v. Director of Public Prosecutions, D.C. [1969] 2 Q.B. 115; [1969] 2 W.L.R. 390.

" *Gold bullion* "—Exchange Control Act, 1947, s. 42 (1).
Freed v. Director of Public Prosecutions, D.C. [1969] 2 Q.B. 115; [1969] 2 W.L.R. 390.

" *Gold coin* "—Exchange Control Act, 1947, s. 42 (1).
Freed v. Director of Public Prosecutions, D.C. [1969] 2 Q.B. 115; [1969] 2 W.L.R. 390.

" *Good character* "—Criminal Procedure and Evidence Act (Rhodesia and Nyasaland), s. 303.
Malindi v. The Queen, P.C. [1967] 1 A.C. 439; [1966] 3 W.L.R. 913.

" *Goods* "—Exchange Control Act, 1947, Sch. 5, Pt. 3, para. 1 (1).
Reg. v. Goswami, C.A. [1969] 1 Q.B. 453; [1968] 2 W.L.R. 1163.

————Factors Act, 1889, s. 2 (1).
Stadium Finance Ltd. v. Robbins, C.A. [1962] 2 Q.B. 664; [1962] 3 W.L.R. 453.

————Restrictive Trade Practices Act, 1956, s. 6 (1).
In re **Scottish Master Monumental Sculptors' Association's Agreement,** R.P.Ct.(Sc.) (1965) L.R. 5 R.P. 437.

————Restrictive Trade Practices Act, 1956, s. 21 (1) (*d*).
In re **National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement,** R.P.Ct. (E. & W.) (1965) L.R. 5 R.P. 236; [1965] 1 W.L.R. 826.

" *Goods or burden of any description* "—Road Traffic Act, 1960, Sch. 1.
Flower Freight Co. Ltd. v. Hammond, Divl.Ct. [1963] 1 Q.B. 275; [1962] 3 W.L.R. 1331.

" *Goods or materials* "—Income Tax Act, 1952, s. 271 (1) (*c*).
Bourne v. Norwich Crematorium Ltd., Stamp J. [1967] 1 W.L.R. 691.

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"*Goods . . . usually sold . . . in public markets or fairs*"—Stalybridge Improvement Act, 1828, s. 104. **Hy. Whittle Ltd. v. Stalybridge Corpn.**, Buckley J. (1967) 65 L.G.R. 344.

"*Goods vehicles*"—Parking Zones (Waiting and Loading Restriction) Order, 1966, art. 3.
Levinson v. Powell, Divl.Ct. [1967] 1 W.L.R. 1472.

"*Goods . . . which are chargeable*"—Customs and Excise Act, 1952, s. 304.
Feg. v. Berry, C.A. [1969] 2 Q.B. 73; [1969] 2 W.L.R. 510.

"*Habitual drunkard*"—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 1 (1) (*f*).
Hall v. Hall, Divl.Ct. [1962] 1 W.L.R. 478.

"*Hand-hold*"—Factories Act, 1937, s. 26 (2).
Wigley v. British Vinegars Ltd., C.A. [1961] 1 W.L.R. 1261.
H.L.(E.) [1964] A.C. 307; [1962] 3 W.L.R. 731.

"*Hardship*"—Agricultural Holdings Act, 1948, s. 25 (1) (*a*) (as amended).
Purser v. Bailey, C.A. [1967] 2 Q.B. 500; [1967] 2 W.L.R. 1500.
——————Agriculture Act, 1958, s. 3 (2).
Purser v. Bailey, Divl.Ct. [1967] 1 Q.B. 526; [1967] 2 W.L.R. 146.

"*Hardware*"—Purchase Tax Act, 1963, Gp. 11 (*a*).
Pioneer Plastic Containers Ltd. v. Comrs. of Customs and Excise (No. 2),
Pennycuick J. [1968] 1 W.L.R. 236.

"*Has carried on business in England*"—Bankruptcy Act, 1914, s. 4 (1).
In re **Bird**, *Ex parte* **The Debtor v. Inland Revenue Comrs.**, C.A. [1962] 1 W.L.R. 686.

"*Has . . . to work*"—Construction (General Provisions) Regulations, 1961, reg. 7 (1).
Kendrick v. Cozens & Sutcliffe Ltd., C.A. (1968) 4 K.I.R. 469.

"*Have regard*"—Muslim Mosques and Charitable Trusts or Wakfs Act, No. 51 of 1956, s. 14 (1). **Ishak v. Thowfeek**, P.C. [1968] 1 W.L.R. 1718.

"*Have to pass over*"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 31 (3).
Kendrick v. Cozens & Sutcliffe Ltd., C.A. (1968) 4 K.I.R. 469.

"*Hawker*"—Hawkers Act, 1888, s. 2. **Sidonio v. Turk**, Divl.Ct. (1964) 62 L.G.R. 467.

"*Hereditament*"—Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 8 (2).
Institute of Orthopaedics v. Harrow Corpn., Cross J. [1963] 1 W.L.R. 10.

"*Hereditament . . . wholly . . . used for charitable purposes*"—Rating and Valuation Act, 1961, s. 11 (1).
Aldous v. Southwark London Borough Council, Roskill J. (1967) 66 L.G.R. 48.

"*Highway maintainable at . . . public expense*"—Highways Act, 1959, s. 213 (1).
Roberts v. Webster, Divl.Ct. (1967) 66 L.G.R. 298.

"*Hindered in . . . enjoyment of . . . freedom of expression*"—Malta (Constitution) Order in Council, 1961, Part II, s. 14 (1).
Olivier v. Buttigieg, P.C. [1967] 1 A.C. 115; [1966] 3 W.L.R. 310.

"*Hire or reward*"—Road Traffic Act, 1930, s. 36 (1) (*b*) (ii).
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.
——————Road Traffic Act, 1960, s. 203 (4) (*a*).
Connell v. Motor Insurers' Bureau, C.A. [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231.
Albert v. Motor Insurers' Bureau, C.A. [1970] 1 Lloyd's Rep. 506; [1970] R.T.R. 315.

"*Holder*"—Bills of Exchange Act, 1882, s. 2.
Midland Bank Ltd. v. R. V. Harris Ltd., Megaw J. [1963] 1 W.L.R. 1021.
——————Cheques Act, 1957, s. 2.
Westminster Bank Ltd. v. Zang, Roskill J. [1966] A.C. 182; [1964] 3 W.L.R. 1105.
C.A. [1966] A.C. 182; [1965] 2 W.L.R. 824.
H.L.(E.) [1966] A.C. 182; [1966] 2 W.L.R. 110.

"*Holder of a retailer's on-licence*"—Customs and Excise Act, 1952, s. 151 (1).
Birt v. Swansea Justices, Divl.Ct. [1963] 1 W.L.R. 801.

"*Holding*"—Finance Act, 1937, s. 19 (4).
Henry Briggs & Co. Ltd. v. Inland Revenue Comrs., H.L.(E.) [1961] 1 W.L.R. 68.
——————Landlord and Tenant Act, 1954, s. 23 (3).
Fernandez v. Walding, C.A. [1968] 2 Q.B. 606; [1968] 2 W.L.R. 583.

"*Hours for rest*"—Road Traffic Act, 1960, s. 73 (1) (*c*).
Witchell v. Abbott, Divl.Ct. [1966] 1 W.L.R. 852.
Potter v. Gorbould, D.C. [1970] 1 Q.B. 238; [1969] 3 W.L.R. 810.

"*House*"—Housing Act, 1957, s. 165.
Josephine Trust Ltd. v. Champagne, C.A. [1963] 2 Q.B. 160; [1962] 3 W.L.R. 1077.
——————Housing Act, 1957, s. 90. **Reed v. Hastings Corpn.**, C.A. (1964) 62 L.G.R. 588.
——————Housing Act, 1961, s. 15 (1). **Okereke v. Brent London Borough Council**,
C.A. [1967] 1 Q.B. 42; [1966] 2 W.L.R. 169.

"*House . . . and reasonably so called*"—Leasehold Reform Act, 1967, s. 2 (1).
Lake v. Bennett, C.A. [1970] 1 Q.B. 663; [1970] 2 W.L.R. 355.

"*Houses*"—Housing Act, 1957, s. 42 (1).
Quiltotex Co. Ltd. v. Minister of Housing and Local Government,
Salmon L.J. [1966] 1 Q.B. 704; [1965] 3 W.L.R. 801.
Ashbridge Investments Ltd. v. Minister of Housing and Local Government,
C.A. [1965] 1 W.L.R. 1320.
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(1967) 65 L.G.R. 257.

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Annicola Investments Ltd. v. Minister of Housing and Local Government, Lawrence J. [1968] 1 Q.B. 631; [1966] 2 W.L.R. 1204.

"*If . . . person . . . required . . . to provide a specimen of breath . . . fails to do so . . .*"—Road Safety Act, 1967, s. 3 (2) (*b*).
Reg. v. Chapman, C.A. [1969] 2 Q.B. 436; [1969] 2 W.L.R. 1004.

"*Ill-treats, neglects, abandons, or exposes*"—Children and Young Persons Act, 1933, s. 1 (1).
Reg. v. Hayles, C.A. [1969] 1 Q.B. 364; [1968] 3 W.L.R. 1106.

"*Illness*"—National Health Service Act, 1946, ss. 28 (1), 79 (1).
Jewish Blind Society Trustees v. Henning, C.A. [1961] 1 W.L.R. 24.

"*Immediate*"—Industrial Training (Hotel and Catering Board) Order, 1966, Sch. 1, para. 1 (*a*). **N.A.S. Airport Services Ltd. v. Hotel and Catering Industry Training Board,** D.C. [1970] 1 W.L.R. 473; C.A. [1970] 1 W.L.R. 1576.

"*Immediate supervision*"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 79 (5). **Owen v. Evans & Owen (Builders) Ltd.,** C.A. [1962] 1 W.L.R. 933.

"*Immediately before use*"—Milk and Dairies (General) Regulations, 1959, reg. 27 (1).
United Dairies (London) Ltd. v. Beckenham Corpn., Divl.Ct. [1963] 1 Q.B. 434; [1961] 2 W.L.R. 737.

"*Immediately derived . . . from the carrying on or exercise . . . of his trade*"—Income Tax Act, 1952, s. 525 (1) (*c*).
Bucks v. Bowers, Pennycuick J. [1970] Ch. 431; [1970] 2 W.L.R. 676.

"*Immoral purposes*"—Sexual Offences Act, 1956, s. 32.
Crook v. Edmondson, Divl.Ct. [1966] 2 Q.B. 81; [1966] 2 W.L.R. 672.

"*Impracticable*"—Building (Safety, Health and Welfare) Regulations, 1948, reg. 97.
Moorcroft v. Thomas Powles & Son Ltd., Divl.Ct. [1962] 1 W.L.R. 1447.

——————Mines and Quarries Act, 1954, s. 157.
Tomlinson v. Beckermet Mining Co. Ltd., C.A. [1964] 1 W.L.R. 1043.

"*Impracticable to avoid or prevent the contravention*"—Mines and Quarries Act, 1954, s. 157. **Morris v. National Coal Board,** C.A. [1963] 1 W.L.R. 1382.

"*Improved value*"—Valuation of Land Act, 1916–1959 (N.S.W.), s. 5.
Broken Hill Pty. Co. Ltd. v. Valuer-General, P.C. [1970] A.C. 627; [1969] 3 W.L.R. 379.

"*In accordance with byelaws*"—Leyland Construction Co. Ltd. Development Contract, Cl. 1.
Billyack v. Leyland Construction Co. Ltd., Edmund Davies L.J. [1968] 1 W.L.R. 471.

"*In any manner*"—Matrimonial Causes Act, 1950, s. 4 (2).
Rumbelow v. Rumbelow and Hadder, C.A. [1965] P. 207; [1965] 3 W.L.R. 242.

"*In captivity, or confinement*"—Protection of Animals Act, 1911, s. 15 (*c*).
Rowley v. Murphy, Divl.Ct. [1964] 2 Q.B. 43; [1963] 3 W.L.R. 1061.

"*In charge*"—Road Traffic Act, 1960, s. 6 (2).
Morton v. Confer, Divl.Ct. [1963] 1 W.L.R. 763.

——————Road Safety Act, 1967, s. 1 (2). **Sheldon v. Jones,** D.C. [1970] R.T.R. 38.

"*In connection with the provision of . . . benefits*"—Income Tax Act, 1952, s. 161 (1).
Rendell v. Went, H.L.(E.) [1964] 1 W.L.R. 650.

"*In connection with the sale*"—Weights and Measures Act, 1963, s. 24 (2).
Collett v. Co-operative Wholesale Society Ltd., D.C. [1970] 1 W.L.R. 250.

"*In consequence of*"—Iron and Steel (Compensation of Officers and Servants) (No. 2) Regulations, 1953, reg. 3 (1). **Iron and Steel Holding and Realisation Agency v. Compensation Appeal Tribunal,** Divl.Ct. [1966] 1 W.L.R. 480.

"*In consideration*"—Letter of credit. **Sale Continuation Ltd. v. Austin Taylor & Co. Ltd.,** Paull J. [1968] 2 Q.B. 849; [1967] 3 W.L.R. 1427.

"*In contemplation or furtherance of a trade dispute*"—Trade Disputes Act, 1906, s. 3.
Torquay Hotel Co. Ltd. v. Cousins, C.A. [1969] 2 Ch. 106; [1969] 2 W.L.R. 289.

"*In continuous practice as a solicitor for a period of five years*"—Solicitors Act, 1957, s. 41 (1).
Adlam v. Law Society, Pennycuick J. [1968] 1 W.L.R. 6.

"*In motion or use*"—Factories Act, 1937, s. 16.
Conboy v. King and Hutchings Ltd., Paull J. (1963) 61 L.G.R. 516.
Kelly v. John Dale Ltd., Winn J. [1965] 1 Q.B. 185; [1964] 3 W.L.R. 41.

——————Factories Act, 1961, s. 16.
Stanbrook v. Waterlow & Sons Ltd., C.A. [1964] 1 W.L.R. 825.
Mitchell v. W. S. Westin Ltd., C.A. [1965] 1 W.L.R. 297.

"*In, or carried out from, an establishment*"—Selective Employment Payments Act, 1966, s. 1 (2) (*a*). **Secretary of State for Employment and Productivity v. Vic Hallam,** D.C. (1969) 8 K.I.R. 623.

"*In or on land*"—Highways Act, 1959, s. 144 (1).
Myers v. Harrow Corpn., Divl.Ct. [1962] 2 Q.B. 442; [1962] 2 W.L.R. 1210.

"*In part only*"—Leasehold Reform Act, 1967, s. 1 (2) (*a*).
Harris v. Swick Securities Ltd., C.A. [1969] 1 W.L.R. 1604.

"*In possession*"—Finance Act, 1940, s. 43 (1). **Gartside v. Inland Revenue Comrs.,** Ungoed-Thomas J. [1967] Ch. 543; [1966] 3 W.L.R. 759.

"*In respect of*"—Finance Act, 1894, s. 5 (2).
Coutts & Co. v. Inland Revenue Comrs., Buckley J. [1962] Ch. 305; [1961] 3 W.L.R. 781.
C.A. [1963] Ch. 135; [1962] 3 W.L.R. 347.

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"*In respect of*"—Limitation Act, 1939, s. 23 (4).
In re **Footman Bower & Co. Ltd.**, Buckley J. [1961] Ch. 443; [1961] 2 W.L.R. 667.

"*In respect of which the inspection was made*"—Public Health (London) Act, 1936, s. 40 (4) (as amended). **Camberwell Metropolitan Borough Council v. London County Council**, Divl.Ct. (1963) 61 L.G.R. 336.

"*In that year*"—Income Tax Act, 1952, s. 127 (2) (*a*).
Stephenson v. Payne, Stone, Fraser & Co., Pennycuick J. [1968] 1 W.L.R. 858.

"*In the course of . . . and for the purposes of*"—Moneylenders Act, 1900, s. 6 (*d*).
Frank H. Wright (Constructions) Ltd. v. Frodoor, Roskill J. [1967] 1 W.L.R. 506.

"*In the course of a trade or business*"—Trade Descriptions Act, 1968, s. 1 (1) (*b*).
Havering London Borough Council v. Stevenson, D.C. [1970] 1 W.L.R. 1375.

"*In the course of his employment*"—Road Traffic Act, 1960, s. 203 (4) (*b*).
Vandyke v. Fender (Sun Insurance Office Ltd. Third Party), C.A. [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929.

"*In the custody of a parent*"—Law Reform (Limitation of Actions, etc.) Act, 1954, s. 2 (2).
Duncan v. Lambeth London Borough Council, Donaldson J. [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88.
Hewer v. Bryant, Paull J. [1969] 1 Q.B. 415; [1968] 3 W.L.R. 910.

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Kirby v. Leather, C.A. [1965] 2 Q.B. 367; [1965] 2 W.L.R. 1318.

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"*In the gift or disposal*"—Local Government Act, 1933, s. 59 (1) (*a*).
Boyd v. Easington Rural District Council, Cross J. [1963] 1 W.L.R. 1281.

"*In the nature of a sale*"—Licensing Act, 1953, s. 154 (1).
Doak v. Bedford, Divl.Ct. [1964] 2 Q.B. 587; [1964] 2 W.L.R. 545.

"*In the ordinary conduct of . . . proceedings*"—R.S.C. (Rev. 1965), Ord. 80, r. 2 (2).
In re **L. (An Infant)**, Ormrod J. [1968] P. 119; [1967] 3 W.L.R. 1149.

"*In the ownership*"—Finance (No. 2) Act, 1940, s. 25 (1).
Warwickshire Publishing Co. Ltd. v. Comrs. of Customs and Excise, C.A. [1970] 1 W.L.R. 457.

"*In the same place*"—Bills of Exchange Act, 1882, s. 49 (12) (*a*).
Hamilton Finance Co. Ltd. v. Coverley Westray Walbaum & Tosetti Ltd., Mocatta J. [1969] 1 Lloyd's Rep. 53.

"*In the vicinity of*"—Dock Workers (Regulation of Employment) Act, 1946, s. 6.
National Dock Labour Board v. John Bland & Co. Ltd., D.C. [1969] 3 W.L.R. 1063.
C.A. [1970] 2 Q.B. 333; [1970] 2 W.L.R. 1251.

"*In the vicinity of . . . prohibited place*"—Official Secrets Act, 1920, s. 3.
Adler v. George, Divl.Ct. [1964] 2 Q.B. 7; [1964] 2 W.L.R. 542.

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[1962] Ch. 246; [1961] 3 W.L.R. 1198.

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" *Means of escape* "—Housing Act, 1961, s. 16 (1).
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" *Mechanically propelled vehicle* "—Road Traffic Act, 1960, s. 253 (1).
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" *Medical practitioner in immediate charge of his case* "—Road Safety Act, 1967, s. 3 (2).
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" *Menaces* "—Larceny Act, 1916, s. 30.
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" *Mercantile agent* "—Factors Act, 1889, s. 2 (1).
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" *Mining lease* "—Landlord and Tenant Act, 1927, s. 25.
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" *Minutes of proceedings of a local authority* "—London Government Act, 1939, s. 173 (1).
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" *Mistake* "—Trade Descriptions Act, 1968, s. 24 (1) (*a*).
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" *Mitigating . . . normal consequences of . . . conviction* "—Road Traffic Act, 1962, s. 5 (3).
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" *Money . . . disposed of otherwise than by payment to a player as winnings* "—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*b*).
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" *Moneys secured by mortgage or charge* "—R.S.C., Ord. 55, r. 5A.
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" *Motor tractor* "—Road Traffic Act, 1960, s. 253 (6).
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" *Mutual* "—Bankruptcy Act, 1914, s. 31.
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" *Name of the estate owner* "—Land Charges Act, 1925, s. 10 (2).
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" *Named* "—Dangerous Drugs Law (Laws of Jamaica, rev. 1953), s. 21 (2).
King v. The Queen, P.C. [1969] 1 A.C. 304; [1968] 3 W.L.R. 391.

" *National origins* "—Race Relations Act, 1968, s. 1 (1).
Ealing London Borough Council v. Race Relations Board,
Swanwick J. [1970] 3 W.L.R. 921.

" *Natural entrance points* "—Territorial Waters Order in Council, 1964, art. 4 (*a*).
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" *Nearby* "—Road Safety Act, 1967, s. 2 (1). **Donegani v. Ward,** D.C. [1969] 1 W.L.R. 1502.

" *Necessary* "—R.S.C., Ord. 15, r. 6 (2) (*b*).
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" *Necessary or proper* "—London Government Act, 1963, s. 84 (1) (*a*).
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Pennycuick J. (1967) 66 L.G.R. 306.

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" *Necessary services* "—Resale Prices Act, 1964, s. 5 (4).
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R.P.Ct.(E. & W.) [1967] 1 W.L.R. 1175.

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C.A. [1970] Ch. 44; [1969] 3 W.L.R. 458.
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" *Net* "—Income Tax Act, 1952, s. 186 (1).
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" *Net annual value* "—Local Government Act, 1948, s. 87 (1).
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" *New machinery or plant* "—Finance Act, 1954, s. 16 (3) (*c*).
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" *Newspaper circulating in the authority's area* "—Betting and Gaming Act, 1960, Sch. 1, para. 6.
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Divl.Ct. [1963] 2 Q.B. 750; [1963] 2 W.L.R. 1402.

" *No likelihood of his driving* "—Road Safety Act, 1967, s. 1 (3).
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" *Nominal plaintiff* "—R.S.C. (Rev. 1965), Ord. 23, r. 1 (1) (*b*).
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C.A. [1964] 2 Q.B. 699; [1964] 3 W.L.R. 356.

" *Normal price . . . on a sale in the open market* "—Customs and Excise Act, 1952, Sch. 6, para. 1. **Salomon v. Comrs. of Customs and Excise,** C.A. [1967] 2 Q.B. 116;
[1966] 3 W.L.R. 1223.

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Pearson v. William Jones Ltd., Divl.Ct. [1967] 1 W.L.R. 1140.

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"*Not less than two hours for deliberation*"—Criminal Justice Act, 1967, s. 13 (3).
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"*Not otherwise made by any enactment*"—R.S.C., Ord. 67, r. 3.
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"*Not sufficiently and fairly describe the invention*"—Patents Act, 1949, s. 32 (1) (*h*).
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"*Observe*"—Underlease. **Ayling v. Wade,** C.A. [1961] 2 Q.B. 228; [1961] 2 W.L.R. 873.

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"*Obtaining*"—Gaming Act, 1845, s. 17.
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"*Obtains . . . by virtue of any forged instrument*"—Forgery Act, 1913, s. 7.
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Holm v. Royal Borough of Kensington and Chelsea, C.A. [1968] 1 Q.B. 645; [1967] 2 W.L.R. 1164.

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" *Occupy* "—Agricultural Holdings Act, 1948, s. 2 (1).
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" *Of a decisive character* "—Limitation Act, 1963, s. 7.
Goodchild v. Greatness Timber Co. Ltd., C.A. [1968] 2 Q.B. 372; [1968] 2 W.L.R. 1283.

" *Of a type not commonly used as private vehicles and unsuitable to be so used* "—Finance Act, 1954, s. 16 (3).
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" *Of the substance demanded* "—Food and Drugs Act, 1955, s. 2 (1).
Hall v. Owen-Jones, Divl.Ct. [1967] 1 W.L.R. 1362.

" *Offence* "—Administration of Justice (Miscellaneous Provisions) Act, 1933, s. 2 (2).
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" *Offence to which the authority relates* "—Fugitive Offenders Act, 1967, s. 7 (5).
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" *Offensive weapon* "—Prevention of Crime Act, 1953, s. 1.
Reg. v. Petrie, C.A. [1961] 1 W.L.R. 358.

" *Offer in writing* "—Redundancy Payments Act, 1965, s. 3 (2) (*b*).
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" *Offers for sale* "—Protection of Birds Act, 1954, s. 6 (1).
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C.A. [1969] 1 W.L.R. 1460.

" *On a different occasion* "—Homicide Act, 1957, s. 6.
Reg. v. King, McNair J. and C.C.A. [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980.

" *On a road or other public place* "—Road Safety Act, 1967, s. 2 (1).
Trigg v. Griffin, D.C. [1970] R.T.R. 53.

" *On behalf of a chief officer of police* "—Road Traffic Act, 1960, s. 232 (2) (*a*).
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" *On his apprehension* "—Theft Act, 1968, s. 28 (1) (*c*).
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"*One offence*"—Criminal Justice Act, 1967, s. 39 (3).
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"*One of the documents specified*"—Anglo-Greek Extradition Treaty, 1910, art. 9.
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Reg. v. Gaming Board for Great Britain, *Ex parte* **Benaim and Khaida,** C.A. [1970] 2 Q.B. 417; [1970] 2 W.L.R. 1009.

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"*Opportunity of making representation*"—Education Act, 1944, s. 17 (5).
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"*Oppressive*"—Companies Act, 1948, s. 210.
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"*Or*"—Carriage by Air Act, 1932, Sch. 1, art. 8.
Corocraft Ltd. v. Pan American Airways Inc., C.A. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 1273.

"*Or otherwise*"—Fugitive Offenders Act, 1881, s. 10.
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"*Order for costs made against*"—Legal Aid and Advice Act, 1949, s. 2 (2) (*e*).
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"*Order . . . made on conviction*"—Criminal Appeal Act, 1907, s. 21.
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"*Order . . . on determining a complaint under this Act*"—Offices, Shops and Railway Premises Act, 1963, s. 72. **Reg. v. Recorder of Oxford,** *Ex parte* **Brasenose College,** D.C. [1970] 1 Q.B. 109; [1969] 3 W.L.R. 446.

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Appah v. Monseu, Swanwick J. [1967] 1 W.L.R. 893.

"*Ordinarily resident in the United Kingdom*"—Commonwealth Immigrants Act, 1962, s. 2 (2).
In re **H. K. (An Infant),** Divl.Ct. [1967] 2 Q.B. 617; [1967] 2 W.L.R. 962.

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C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

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Wilberforce J. [1964] Ch. 149; [1963] 3 W.L.R. 815.

"*Other provisions*"—Stalybridge Improvement Act, 1828, s. 104.
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"*Ought for some other reason to be a trial*"—R.S.C. (Rev. 1965), Ord. 14, r. 3 (1).
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C.A. [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929.

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"*Overall length*"—Motor Vehicles (Construction and Use) Regulations, 1955, reg. 6.
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"*Parcel*"—Fertilisers and Feeding Stuffs Act, 1926, s. 4.
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"*Parking place*"—Parking Places (Holborn) (No. 1) Order, 1960, art. 21.
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"*Part of a single specimen . . . divided into two parts*"—Road Traffic Act, 1962, s. 2 (4).
Kidd v. Kidd, D.C. [1969] 1 Q.B. 320; [1968] 3 W.L.R. 734.

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"*Parts and working gear*"—Mines and Quarries Act, 1954, s. 81 (1).
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"*Passages and gangways*"—Factories Act, 1961, s. 28 (1).
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James J. [1968] 1 W.L.R. 1260.

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" *Real estate* "—Administration of Estates Act, 1925, s. 51 (2).
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" *Reasonable excuse* "—Road Safety Act, 1967, s. 3 (3).
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" *Reasonable grounds* "—Legal Aid and Advice Act, 1949, s. 1 (6).
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" *Reasonable security* "—Bankruptcy Act, 1914, s. 16 (10).
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" *Reasonable time* "—Income Tax Act, 1952, s. 245.
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" *Regular occupation* "—National Insurance (Industrial Injuries) Act, 1946, s. 14 (1) (as amended). **Reg. v. Deputy Industrial Injuries Comr.,** *Ex parte* **Humphreys,** Divl.Ct. [1965] 2 Q.B. 412; [1965] 3 W.L.R. 456.
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" *Relating to or connected with* "—R.S.C. (Rev. 1965), Ord. 16, r. 1.
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" *Relevant action* "—Limitation Act, 1963, s. 2.
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" *Sale . . . confirmed or approved by order* "—Supreme Court Fees Order, 1930, Sch. I, s. II.
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" *Same kind of work* "—Prices and Incomes Act, 1966, s. 28 (2).
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"*Seller*"—Customs and Excise Act, 1952, Sch. 6, para. 2.
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"*Separate dwellinghouses*"—Town and Country Planning Act, 1962, s. 12.
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"*Separate fares*"—Road Traffic Act, 1960, s. 117.
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"*Series*"—Indictments Act, 1915, Sch. 1, r. 3.
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"*Series of offences of . . . similar character*"—Indictments Act, 1915, Sch. 1, r. 3.
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"*Served*"—Interpretation Act, 1889, s. 26.
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"*Served a previous sentence . . . of borstal training*"—Criminal Justice Act, 1961, s. 3 (3).
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"*Sewer*"—Public Health Act, 1936, s. 343.
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"*Shall be . . . free from patent defect*"—Mines and Quarries Act, 1954, s. 81 (1).
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"*Shall not proceed to the trial*"—Magistrates' Courts Rules, 1952, r. 14.
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"*So charged*"—Criminal Evidence Act, 1898, s. 1.
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"*So far as is reasonably practicable*"—Factories Act, 1961, s. 28 (1).
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"*Souvenirs*"—Shops Act, 1950, Sch. 5, para. 1 (*b*).
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" *Spouse . . . deemed to be the tenant* "—Matrimonial Homes Act, 1967, s. 7 (3).
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" *Stakes hazarded* "—Betting, Gaming and Lotteries Act, 1963, s. 32 (2) (*c*).
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" *Standard amenities* "—Housing Act, 1964, s. 14 (1).
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————————Trade Descriptions Act, 1968, s. 14 (1) (*b*).
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" *Statutory tenancy* "—Matrimonial Homes Act, 1967, s. 7 (1).
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" *Steps required by the notice to be taken* "—Town and Country Planning Act, 1947, s. 24 (1).
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" *Stone, concrete, slag* "—Construction (General Provisions) Regulations, 1961, Sch. (2).
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" *Stop* "—Road Traffic Act, 1960, s. 77 (1).
Lee v. Knapp, Divl.Ct. [1967] 2 Q.B. 442; [1967] 2 W.L.R. 6.

" *Storage* "—Industrial Development Act, 1966, s. 1 (3).
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H.L.(E.) [1970] 3 W.L.R. 488.

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" *Street lighting* "—Road Traffic Regulation Act, 1967, s. 72.
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" *Strong or probable presumption* "—Fugitive Offenders Act, 1881, s. 5.
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" *Structure* "—Engineering Construction (Extension of Definition) Regulations, 1960, reg. 3.
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————————Rating and Valuation (Miscellaneous Provisions) Act, 1955, s. 9 (1) (*c*).
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" *Subjection of goods or materials to any process* "—Income Tax Act, 1952, s. 271 (1) (*c*).
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" *Subnormality* "—Mental Health Act, 1959, s. 4 (3).
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" *Subsidiary company* "—Income Tax Act, 1952, s. 256 (1).
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" *Subsistence* "—Matrimonial Proceedings (Magistrates' Courts) Act, 1960, s. 1 (1).
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" *Substance likely to cause persons to slip* "—Factories Act, 1961, s. 28 (1).
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" *Substantial* "—Restrictive Trade Practices Act, 1956, s. 21 (1) (*b*).
In re **Net Book Agreement, 1957,** R.P.Ct. (1962) L.R. 3 R.P. 246; [1962] 1 W.L.R. 1347.
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" *Substantial part of the . . . rent* "—Rent Act, 1968, s. 2 (3).
Goel v. Sagoo, C.A. [1970] 1 Q.B. 1; [1969] 2 W.L.R. 318.

" *Substantial wrong or miscarriage of justice* "—Matrimonial Causes Rules, 1957, r. 73 (7).
Blaise v. Blaise, C.A. [1969] P. 54; [1969] 2 W.L.R. 1047.

" *Substantially* "—Homicide Act, 1957, s. 2 (1).
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" *Substantially prejudiced* "—Housing Act, 1964, s. 27 (3).
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" *Substantially the same* "—R.S.C. (Rev. 1965), Ord. 16, r. 1 (1) (*b*).
Standard Securities Ltd. v. Hubbard (Telesurance Ltd. Third Party), Pennycuick J. [1967] Ch. 1056; [1967] 3 W.L.R. 214.

" *Substantially the same as* "—R.S.C. (Rev. 1965), Ord. 16, r. 1.
Chatsworth Investments Ltd. v. Amoco (U.K.) Ltd., Cross J. and C.A. [1968] Ch. 665; [1968] 3 W.L.R. 343.

" *Such care as in all the circumstances was . . . required to secure* "—Highways (Miscellaneous Provisions) Act, 1961, s. 1 (2).
Griffiths v Liverpool Corpn., C.A. [1967] 1 Q.B. 374; [1966] 3 W.L.R. 467.

" *Such costs as were necessary . . . for the attainment of justice* "—R.S.C., Ord. 62, r. 28.
Manakee v. Brattle (Note), Mocatta J. [1970] 1 W.L.R. 1607.

" *Such member of the tenant's family* "—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, s. 12 (1) (*g*) (as amended).
Dealex Properties Ltd. v. Brooks, C.A. [1966] 1 Q.B. 542; [1965] 2 W.L.R. 1241.

" *Such other order* "—Income Tax Act, 1952, s. 64 (6).
Slaney v. Kean, Megarry J. [1970] Ch. 243; [1969] 3 W.L.R. 240.

" *Sudden changes of direction, height, width and gradient* "—Mines and Quarries Act, 1954, s. 34 (1). **Lister v. National Coal Board,** C.A. [1970] 1 Q.B. 228; [1969] 3 W.L.R. 439.

" *Suffering from* "—Road Traffic Act, 1960, s. 100.
Devon County Council v. Hawkins, Divl.Ct. [1967] 2 Q.B. 26; [1967] 2 W.L.R. 285.

" *Sufficient and suitable lighting* "—Factories Act, 1961, s. 5 (1).
Lane v. Gloucester Engineering Co. Ltd., C.A. [1967] 1 W.L.R. 767.
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" *Sufficient in . . . character* "—Education Act, 1944, s. 8.
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" *Sufficient to negative the necessary intent* "—Matrimonial Causes Act, 1963, s. 1.
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H.L.(E.) [1966] A.C. 643; [1966] 2 W.L.R. 634.

" *Sufficient to warrant . . . tried for . . . offence if . . . committed within . . . jurisdiction of the court* "—Fugitive Offenders Act, 1967, s. 7 (5) (*a*).
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" *Suit* "—Hague Rules, Art. III, r. 6.
The Merak, Scarman J. and C.A. [1965] P. 223; [1965] 2 W.L.R. 250.

" *Suitable* "—Building (Safety, Health and Welfare) Regulations, 1948, reg. 27 (2) (*a*).
Astell v. London Transport Board, C.A. [1966] 1 W.L.R. 1047.

" *Suitable employment* "—Redundancy Payments Act, 1965, s. 2 (4).
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Taylor v. Kent County Council, D.C. [1969] 2 Q.B. 560; [1969] 3 W.L.R. 156.

" *Sum charged* "—Finance Act, 1894, s. 14 (1). *In re* **Maryon-Wilson's Will Trusts,** Ungoed-Thomas J. [1968] Ch. 268; [1967] 3 W.L.R. 1476.

" *Summarily* "—R.S.C. (Rev. 1965), Ord. 17, r. 5 (2).
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" *Summons* "—County Court Rules 1936, Ord. 8, r. 8 (2).
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"*Sums payable by . . . tenant to . . . landlord . . . for services*"—Rent Act, 1965, s. 28 (1).
Metropolitan Properties Co. Ltd. v. Noble, Divl.Ct. [1968] 1 W.L.R. 838.
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C.A. [1969] 1 Q.B. 577; [1968] 3 W.L.R. 694.

"*Supply*"—Dangerous Drugs (No. 2) Regulations, 1964, reg. 8.
Reg. v. Harris (Janet), C.A. [1968] 1 W.L.R. 769.

"*Supply . . . to persons for immediate consumption*"—Industrial Training (Hotel and Catering Board) Order, 1966, Sch. 1, para. 1 (*a*).
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C.A. [1970] 1 W.L.R. 1576.

"*Supported in part*"—Scientific Societies Act, 1843, s. 1.
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"*Surviving spouse*"—Settlement. **Coutts & Co. v. Inland Revenue Comrs.,** H.L.(E.) [1964] A.C. 1393; [1963] 2 W.L.R. 1407.

"*Suspected person*"—Penal Servitude Act, 1891, s. 7.
Cosh v. Isherwood, Divl.Ct. [1968] 1 W.L.R. 48.

"*System of working the mine*"—Mines and Quarries Act, 1954, s. 34 (1).
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"*Take*"—Larceny Act, 1861, s. 24.
Wells v. Hardy, Divl.Ct. [1964] 2 Q.B. 447; [1964] 2 W.L.R. 958.

"*Take . . . steps for keeping . . . secure*"—Mines and Quarries Act, 1957, s. 48.
Tomlinson v. Beckermet Mining Co. Ltd., C.A. [1964] 1 W.L.R. 1043.

"*Taken in part exchange*"—Hire Purchase and Credit Sale Agreements (Control) Order, 1960, Sch. 2, Pt. I, para. 3.
Northgran Finance Ltd. v. Ashley (Better Cars Ltd. Third Party), C.A. [1963] 1 Q.B. 476; [1962] 3 W.L.R. 1360.

"*Taken . . . part in the proceedings*"—Supreme Court Costs Rules, 1959, r. 22 (3).
Roberts v. Roberts, C.A. [1965] 1 W.L.R. 643.

"*Takes and drives away*"—Road Traffic Act, 1960, s. 217.
Reg. v. Wibberley, C.C.A. [1966] 2 Q.B. 214; [1966] 2 W.L.R. 1.

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"*Tax advantage*"—Finance Act, 1960, s. 43 (4) (*g*).
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H.L.(E.) [1968] A.C. 766; [1967] 2 W.L.R. 1271.

"*Temporary cessation of work*"—Contracts of Employment Act, 1963, Sch. 1, para. 5.
Hunter v. Smith's Dock Co. Ltd., Divl.Ct. [1968] 1 W.L.R. 1865.
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"*Tenancy or successive tenancies*"—Landlord and Tenant Act, 1954, s. 30 (2).
Artemiou v. Procopiou, C.A. [1966] 1 Q.B. 878; [1965] 3 W.L.R. 1011.

"*Tenant*"—Agricultural Holdings Act, 1948, s. 24 (2) (9).
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"*Tenant's business*"—Landlord and Tenant Act, 1954, Sch. 9, para. 5.
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H.L.(E.) [1965] 1 W.L.R. 892.

"*Tend to deprave and corrupt*"—Obscene Publications Act, 1959, s. 1 (1).
Shaw v. Director of Public Prosecutions, C.C.A. and H.L.(E.) [1962] A.C. 220; [1961] 2 W.L.R. 897.

"*Tending to criminate*"—Foreign Tribunals Evidence Act, 1856, s. 5.
S. v. E., Chapman J. [1967] 1 Q.B. 367; [1967] 2 W.L.R. 704.

"*Termination*"—Protection from Eviction Act, 1964, s. 1 (1).
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"*Territorial waters*"—Territorial Waters Jurisdiction Act, 1878, s. 7.
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"*Territory*"—Israel Extradition Order, 1960, art. 1. **Reg. v. Governor of Brixton Prison,** *Ex parte* **Schtraks,** H.L.(E.) [1964] A.C. 556; [1962] 3 W.L.R. 1013.

"*Testamentary expenses*"—Will.
In re **Matthews' Will Trusts,** Pennycuick J. [1961] 1 W.L.R. 1415.

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" *The question arises* "—Criminal Procedure (Insanity) Act, 1964, s. 4 (1).
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" *Theft* "—Lloyd's In and Out stockbrokers' policy.
Lim Trading Co. v. Haydon, Singapore High Ct. [1968] 1 Lloyd's Rep. 159.

" *Then* "—Food and Drugs Act, 1955, s. 115 (1) (*c*).
Milk Marketing Board v. Hall, Divl.Ct. [1968] 1 W.L.R. 704.

" *There or nearby* "—Road Safety Act, 1967, s. 2 (1).
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Donegani v. Ward, D.C. [1969] 1 W.L.R. 1502.

" *Therein* "—Betting, Gaming and Lotteries Act, 1963, s. 32 (1) (*a*) (ii).
Casino Club (Bolton) Ltd. v. Parr, Divl.Ct. (1966) 64 L.G.R. 155.

" *Thereon* "—Housing Act, 1957, s. 105 (1) (*a*).
Capital Investments Ltd. v. Wednesfield Urban District Council,
Wilberforce J. [1965] Ch. 774; [1964] 2 W.L.R. 932.

" *Thoroughfare* "—Metropolitan Police Act, 1839, s. 54.
Brandon v. Barnes, Divl.Ct. [1966] 1 W.L.R. 1505.

" *Those activities* "—Industrial Training Act, 1964, s. 1 (1).
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C.A. [1968] 1 W.L.R. 1526.
H.L.(E.) [1969] 1 W.L.R. 697.

" *Those conditions* "—Caravan Sites and Control of Development Act, 1960, s. 8 (2).
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[1963] 2 Q.B. 133; [1963] 2 W.L.R. 702.

" *Those goods* "—Restrictive Trade Practices Act, 1956, s. 25 (1).
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" *Through whom he claims* "—Limitation Act, 1939, s. 26 (*a*).
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" *Tidal waters* "—Salmon and Freshwater Fisheries Act, 1923, s. 11.
Ingram v. Percival, D.C. [1969] 1 Q.B. 548; [1968] 3 W.L.R. 663.

" *Time . . . and place* "—Housing Act, 1957, s. 16 (1).
Hillingdon London Borough Council v. Cutler, C.A. [1968] 1 Q.B. 124;
[1967] 3 W.L.R. 246.

" *Time and place at which . . . tested* "—Weights and Measures Act, 1963, s. 26 (7).
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" *Time . . . driver . . . bound . . . to obey . . . directions of . . . employer* "—Road Traffic Act,
1960, s. 73 (4). **Witchell v. Abbott,** Divl.Ct. [1966] 1 W.L.R. 852.

" *Time for loading or discharging . . . shall not count* "—Charterparty.
Union of India v. Compania Naviera Aeolus S.A., C.A. [1962] 1 Q.B. 1;
[1961] 2 W.L.R. 659.

" *Time saved* "—Charterparty **Reardon Smith Line Ltd. v. Ministry of Agriculture,
Fisheries and Food,** C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

" *Tithes* "—Income Tax Act, 1952, s. 182.
City of London Corpn. v. Dixon, Buckley J. (1963) 40 T.C. 713.

" *To alight* "—London Parking Zones (Waiting and Loading) (Restriction) Regulations, 1963,
reg. 6. **Kaye v. Hougham,** Divl.Ct. (1964) 62 L.G.R. 457.

" *To avoid or reduce a liability . . . in respect of dividends paid after* "—Finance Act, 1965,
s. 83 (11). **Bromilow & Edwards Ltd. v. Inland Revenue Comrs.,**
Megarry J. [1969] 1 W.L.R. 1180.
C.A. [1970] 1 W.L.R. 128.

" *To charitable purposes only* "—Income Tax Act, 1952, s. 447 (1) (*b*).
Inland Revenue Comrs. v. Educational Grants Association Ltd.,
Pennycuick J. [1967] Ch. 123; [1966] 3 W.L.R. 724.
C.A. [1967] Ch. 993; [1967] 3 W.L.R. 41.

" *To duly maintain* "—Scarisbrick Estate Drainage Act, 1924, s. 16 (2).
Sephton v. Lancashire River Board, Lawton J. [1962] 1 W.L.R. 623.

" *To recover . . . any property* "—Limitation Act, 1939, s. 26 (*c*).
Eddis v. Chichester Constable, C.A. [1969] 2 Ch. 345; [1969] 3 W.L.R. 48.

" *To risk of injury from a moving part* "—Offices, Shops and Railway Premises Act, 1963,
s. 18 (1). **J. H. Dewhurst Ltd. v. Coventry Corpn.,**
D.C. [1970] 1 Q.B. 20; [1969] 3 W.L.R. 249.

" *To the extent of that jurisdiction* "—Foreign Jurisdiction Act, 1890, s. 5 (2).
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Divl.Ct. [1966] 2 Q.B 194; [1966] 2 W.L.R. 1066.

" *To the like effect* "—Restrictive Trade Practices Act, 1956, s. 20 (3).
In re **Black Bolt and Nut Association's Agreement (No. 2),** R.P.Ct. [1961] 1 W.L.R. 1139.
C.A. (1961) L.R. 3 R.P. 43; [1962] 1 W.L.R. 75.
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R.P.Ct. (E. & W.) [1970] 1 W.L.R. 1589.

" *Towards* "—Indecency with Children Act, 1960, s. 1 (1).
Director of Public Prosecutions v. Burgess, D.C. [1970] 3 W.L.R. 805.

" *Trade* "—Income Tax Act, 1952, s. 341.
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"*Trade or business*"—Agricultural Holdings Act, 1948, s. 1 (2).
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"*Trade or business . . . transferred*"—Contracts of Employment Act, 1963, Sch. 1, para. 10 (2).
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"*Trade or business . . . transferred from one person to another*"—Contracts of Employment Act, 1963, Sch. 1, para. 10 (2). **Kenmir Ltd. v. Frizzell,** Divl.Ct. [1968] 1 W.L.R. 329.

"*Trade, profession or employment*"—Landlord and Tenant Act, 1954, s. 23 (2).
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"*Trade union of employees*"—Trade Union Act, 1881–1959 (N.S.W.) s. 14 (7).
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"*Transaction in securities*"—Finance Act, 1960, s. 28.
Inland Revenue Comrs. v. Parker, Ungoed-Thomas J. [1965] Ch. 866; [1964] 3 W.L.R. 1121.

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Inland Revenue Comrs. v. Parker, C.A. [1965] Ch. 1032; [1965] 2 W.L.R. 1141.
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Inland Revenue Comrs. v. Cleary, Pennycuick J. [1965] Ch. 1098; [1965] 3 W.L.R. 219.

"*Transfer on sale*"—Finance Act, 1930, s. 42 (1).
Shop & Store Developments Ltd. v. Inland Revenue Comrs., C.A. [1966] Ch. 108; [1966] 2 W.L.R. 25.
H.L.(E.) [1967] 1 A.C. 472; [1967] 2 W.L.R. 35.

"*Transferee company*"—Companies Act, 1961 (New South Wales), s. 185.
Blue Metal Industries Ltd v. Dilley, P.C. [1970] A.C. 827; [1969] 3 W.L.R. 357.

"*Transmission machinery*"—Factories Act, 1937, s. 152.
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"*Travel*"—London Transport Board By-laws, by-law 8 (1).
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"*Trustee, guardian, committee, or other person*"—Finance Act, 1894, s. 8 (4).
In re **Latham, decd.,** Wilberforce J. [1962] Ch. 616; [1961] 3 W.L.R. 1154.

"*Tumultuously*"—Riot (Damages) Act, 1886, s. 2 (1).
J. W. Dwyer Ltd. v. Metropolitan Police District Receiver, Lyell J. [1967] 2 Q.B. 970; [1967] 3 W.L.R. 731.

"*Two or more charities*"—Charities Act, 1960, s. 22 (2).
In re **London University's Charitable Trusts,** Wilberforce J. [1964] Ch. 282; [1963] 3 W.L.R. 1031.

"*Type*"—Road Traffic Act, 1960, s. 167 (1).
Arthur Sanderson (Great Broughton) Ltd. v. Vickers, Divl.Ct. (1964) 62 L.G.R. 350.

"*Type not commonly used as a private vehicle*"—Finance Act, 1954, s. 16.
Tapper v. Eyre, Stamp J. [1967] 1 W.L.R. 1077.

"*Ultimate destination*"—Exchange Control Act, 1947, s. 23 (4).
Superheater Co. Ltd. v. Comrs. of Customs and Excise, D.C. [1969] 1 W.L.R. 858.

"*Unassisted person will suffer severe financial hardship*"—Legal Aid Act, 1964, s. 1 (3).
Parker (Infants) v. Thompson, C.A. [1967] 1 W.L.R. 28.

"*Under the limitations*"—Will.
In re **Howard's Will Trusts,** Wilberforce J. [1961] Ch. 507; [1961] 2 W.L.R. 821.

"*Undertaken*"—Children Act, 1958, s. 2 (1).
Surrey County Council v. Battersby, Divl.Ct. [1965] 2 Q.B. 194; [1965] 2 W.L.R. 378.

"*Undertaking*"—Finance Act, 1927, s. 55 (1).
E. Gomme Ltd. v. Inland Revenue Comrs., Ungoed-Thomas J. [1964] 1 W.L.R. 1348.

"*Undue discrimination*"—Electricity Act, 1947, s. 37 (8).
London Electricity Board v. Springate, C.A. [1969] 1 W.L.R. 524.

"*Undue expense and risk of damage*"—Motor Vehicles (Authorisation of Special Types) General Order, 1955, art. 13. **Sunter Brothers Ltd. v. Arlidge,** Divl.Ct. [1962] 1 W.L.R. 199.
Siddle C. Cook Ltd. v. Arlidge, Divl.Ct. [1962] 1 W.L.R. 203.

"*Undue hardship*"—Arbitration Act, 1950, s. 27.
Liberian Shipping Corpn. "Pegasus" v. A. King & Sons Ltd. C.A. [1967] 2 Q.B. 86; [1967] 2 W.L.R. 856.

"*Unduly burdensome*"—Caravan Sites and Control of Development Act, 1960, s. 7 (1).
Llanfyllin Rural District Council v. Holland, Divl.Ct. (1964) 62 L.G.R. 459.
Owen Cooper Estates v. Lexden and Winstree Rural District Council, Divl.Ct. (1965) 63 L.G.R. 66.
Esdell Caravan Parks Ltd. v. Hemel Hempstead Rural District Council, Divl.Ct. and C.A. [1966] 1 Q.B. 895; [1965] 3 W.L.R. 1238.

"*Unfit for human consumption*"—Food and Drugs Act, 1955, s. 8 (1).
David Greig Ltd. v. Goldfinch, Divl.Ct. (1961) 59 L.G.R. 304.

WORDS AND PHRASES—*continued.*

"*Unfit for human habitation*"—Housing Act, 1957, s. 42 (1).
Ashbridge Investments Ltd. v. Minister of Housing and Local Government, C.A. [1965] 1 W.L.R. 1320.

"*Unfitted for marriage*"—Matrimonial Causes Act, s. 9 (1) (*b*) (ii).
Bennett v. Bennett, Ormrod J. [1969] 1 W.L.R. 430.

"*Unimproved value*"—Valuation of Land Act, 1916–1959 (N.S.W.), s. 6.
Broken Hill Pty. Co. Ltd. v. Valuer-General, P.C. [1970] A.C. 627; [1969] 3 W.L.R. 379.

"*United Kingdom*"—Insurance policy.
Navigators and General Insurance Co. Ltd. v. Ringrose, C.A. [1962] 1 W.L.R. 173.

"*United Kingdom and Colonies*"—British Nationality Act, 1948, s. 12 (1).
Thornton v. The Police, P.C. [1962] A.C. 339; [1962] 2 W.L.R. 1141.

"*United Kingdom passport*"—Commonwealth Immigrants Act, 1962, s. 1 (2) (*b*).
Reg. v. Secretary of State for Home Department, *Ex parte* **Bhurosah,** Divl.Ct. and C.A. [1968] 1 Q.B. 266; [1967] 3 W.L.R. 1259.

"*Unjust or oppressive*"—Fugitive Offenders Act, 1881, s. 10.
Reg. v. Governor of Brixton Prison, *Ex parte* **Naranjan Singh,** Divl.Ct. [1962] 1 Q.B. 211; [1961] 2 W.L.R. 980.
Reg. v. Governor of Brixton Prison, *Ex parte* **Armah,** Divl.Ct. [1968] A.C. 192; [1966] 3 W.L.R. 23.
H.L.(E.) [1968] A.C. 192; [1966] 3 W.L.R. 828.

"*Unlawfully*"—Offences against the Person Act, 1861, s. 18.
Reg. v. Mowatt, C.A. [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192.

"*Unlawfully and wilfully*"—Larceny Act, 1861, s. 24.
Wells v. Hardy, Divl.Ct. [1964] 2 Q.B. 447; [1964] 2 W.L.R. 958.

"*Unlawfully at large*"—Prison Act, 1952, s. 49 (2). **Reg. v. Governor of Leeds Prison,** *Ex parte* **Stafford,** Divl.Ct. [1964] 2 Q.B. 625; [1964] 2 W.L.R. 731.

"*Unless suit is brought within one year after delivery*"—Carriage of Goods by Sea Act, 1924, Art. III, r. 6. **Compania Colombiana de Seguros v. Pacific Steam Navigation Co.,** Roskill J. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484.

"*Unless the contrary intention appears*"—Adoption Act, 1958, s. 16 (2) (*b*).
In re **Jones's Will Trusts,** Buckley J. [1965] Ch. 1124; [1965] 3 W.L.R. 506.

"*Unless the contrary is proved*"—Civil Evidence Act, 1968, s. 11 (1).
Wauchope v. Mordecai, C.A. [1970] 1 W.L.R. 317.

"*Unloading of vessels*"—Standard Industrial Classification, m.l.h. 705.
Cotton Controllers (Liverpool) Ltd. v. Secretary of State for Employment and Productivity, D.C. [1969] 2 Lloyd's Rep. 323.

"*Unreasonable conduct*"—Restrictive Practices Court Rules, 1957, r. 76.
In re **Footwear Reference (No. 2),** R.P.Ct.(E. & W.) [1968] 1 W.L.R. 1355.

"*Unreasonable . . . in the particular circumstances of the case*"—Legal Aid and Advice Act, 1949, s. 1 (6). **Reg. v. Legal Aid Committee No. 1 (London) Legal Aid Area,** *Ex parte* **Rondel,** Divl.Ct. [1967] 2 Q.B. 482; [1967] 2 W.L.R. 1358.

"*Unreasonably refused*"—Redundancy Payments Act, 1965, s. 2 (4).
Collier v. Smith's Dock Co. Ltd., D.C. [1969] 2 Lloyd's Rep. 222.
Taylor v. Kent County Council, D.C. [1969] 2 Q.B. 560; [1969] 3 W.L.R. 156.

"*Unsafe*"—Criminal Appeal Act, 1968, s. 2 (1) (*a*).
Reg. v. Cooper (Sean), C.A. [1969] 1 Q.B. 267; [1968] 3 W.L.R. 1225.

"*Unsound mind*"—Matrimonial Causes Act, 1950, s. 1 (1).
Woolley v. Woolley (By her Guardian), Park J. [1968] P. 29; [1966] 3 W.L.R. 1117.
————Matrimonial Causes Act, 1950, s. 1 (1) (*d*).
Robinson v. Robinson (By his Guardian), Cairns J. [1965] P. 192; [1964] 3 W.L.R. 935.
————Matrimonial Causes Act, 1965, s. 9 (1) (*b*) (i).
Bennett v. Bennett, Ormrod J. [1969] 1 W.L.R. 430.

"*Unsoundness of mind*"—Limitation Act, 1939, s. 22 (*d*).
Kirby v. Leather, C.A. [1965] 2 Q.B. 367; [1965] 2 W.L.R. 1318.

"*Unsuitable to continue to be registered*"—Manchester Corporation Act, 1950, s. 61.
Manchester Corpn. v. Penson, D.C. [1970] 1 W.L.R. 204.

"*Upon reliable evidence a reasonable doubt*"—Personal Injuries (Civilians) Scheme, 1964, art. 5 (3). **Cadney v. Minister of Pensions and National Insurance,** Edmund Davies J. [1966] 1 W.L.R. 80.

"*Upon the sale*"—Stamp Act, 1891, s. 54.
Wm. Cory & Son Ltd. v. Inland Revenue Comrs., Pennycuick J. [1964] 1 W.L.R. 529.
H.L.(E.) [1965] A.C. 1088; [1965] 2 W.L.R. 924.

"*Urgent need*"—R.S.C. (Rev. 1965), Ord. 64, r. 4 (2).
In re **Showerings, Vine Products & Whiteways Ltd.'s Application (Practice Note),** Megarry J. [1968] 1 W.L.R. 1381.

"*Use*"—Milk and Dairies (General) Regulations, 1959, reg. 27 (1).
United Dairies (London) Ltd. v. Beckenham Corpn., Divl.Ct. [1963] 1 Q.B. 434; [1961] 2 W.L.R. 737.

"*Use . . . a motor vehicle on a road*"—Road Traffic Act, 1930, s. 35 (1).
Brown v. Roberts, Megaw J. [1965] 1 Q.B. 1; [1963] 3 W.L.R. 75.

"*Use in or in connection with a business carried on by*"—Finance Act, 1962, s. 6 (3).
Warwickshire Publishing Co. Ltd. v. Comrs. of Customs and Excise, Cross J. [1969] 1 W.L.R. 240.

WORDS AND PHRASES—*continued.*

"*Use of the vehicle on a road*"—Road Traffic Act, 1960, s. 203 (3) (*a*).
Hardy v. Motor Insurers' Bureau, C.A. [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433.

"*Use the surname of*"—Will.
In re **Neeld, decd.,** C.A. [1962] Ch. 643; [1962] 2 W.L.R. 1097.

"*Used*"—Licensing Act, 1964, s. 77 (*b*).
Richards v. Bloxham (Binks), D.C. (1968) 66 L.G.R. 739.

————Road Traffic Act, 1960, s. 64 (2).
Windle v. Dunning & Son Ltd., Divl.Ct. [1968] 1 W.L.R. 552.

"*Used all due diligence*"—Road Traffic Act, 1962, s. 20.
Series v. Poole, Divl.Ct. [1969] 1 Q.B. 676; [1968] 2 W.L.R. 261.
Wurzal v. W. G. A. Robinson (Express Haulage) Ltd., D.C. [1969] 1 W.L.R. 996.

"*Used as a caravan site*"—Caravan Sites and Control of Development Act, 1960, s. 13 (*a*).
Biss v. Smallburgh Rural District Council, C.A. [1965] Ch. 335; [1964] 3 W.L.R. 88.

"*Used for any purpose other than . . . betting transactions*"—Betting, Gaming and Lotteries Act, 1963, Sch. 4. **Anderson v. Gradidge,** D.C. [1969] 1 W.L.R. 581.

"*Used for . . . police purposes*"—Road Traffic Act, 1960, s. 25.
Aitken v. Yarwood, Divl.Ct. [1965] 1 Q.B. 327; [1964] 3 W.L.R. 64.

"*Used for the drainage*"—Public Health Act, 1936, s. 343.
Blackdown Properties Ltd. v. Ministry of Housing and Local Government, Stamp J. [1967] Ch. 115; [1965] 2 W.L.R. 1353.

"*Used . . . in connection with agriculture*"—Motor Vehicles (Construction and Use) Regulations, 1966, reg. 3. **Markham v. Stacey,** D.C. [1968] 1 W.L.R. 1881.

"*Used solely in connection with agricultural land*"—Rating and Valuation (Apportionment) Act, 1928, s. 2 (2).
Farmers' Machinery Syndicate (11th Hampshire) v. Shaw, C.A. [1961] 1 W.L.R. 393.

"*Uses*"—Forgery Act, 1913, s. 6 (2).
Reg. v. Harris, C.C.A. [1966] 1 Q.B. 184; [1965] 3 W.L.R. 1040.

"*Uses . . . or causes or permits . . . to be so used*"—Road Traffic Act, 1960, s. 64 (2).
Windle v. Dunning & Son Ltd., Divl.Ct. [1968] 1 W.L.R. 552.

"*Valuable consideration*"—Bankruptcy Act, 1914, s. 45 (*d*).
In re **Keever (A Bankrupt),** *Ex parte* **Trustee of the Property of the Bankrupt v. Midland Bank Ltd.,** Ungoed-Thomas J. [1967] Ch. 182; [1966] 3 W.L.R. 779.

"*Vary*"—Matrimonial Causes Act, 1950, s. 28.
Young v. Young (No. 2), Karminski J. [1962] P. 218; [1961] 3 W.L.R. 1041.

"*Varying*"—Variation of Trusts Act, 1958, s. 1 (1).
In re **Ball's Settlement Trusts,** Megarry J. [1968] 1 W.L.R. 899.

"*Vehicle*"—Industrial Development Act, 1966, s. 13 (1) (*a*).
British Oxygen Co. Ltd. v. Board of Trade, Buckley J. [1969] 1 Ch. 57; [1968] 3 W.L.R. 1.
C.A. [1969] 2 Ch. 174; [1969] 2 W.L.R. 877.
H.L.(E.) [1970] 3 W.L.R. 488.

————Road Traffic Act, 1930, s. 36 (1) (*b*).
Coward v. Motor Insurers' Bureau, C.A. [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663.

"*Vehicle in which passengers are carried for hire or reward*"—Road Traffic Act, 1960, s. 203 (4) (*a*). **Connell v. Motor Insurers' Bureau,** C.A. [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231.

"*Verdict . . . unsafe*"—Criminal Appeal Act, 1968, s. 2 (1) (*a*).
Reg. v. Cooper (Sean), C.A. [1969] 1 Q.B. 267; [1968] 3 W.L.R. 1225.

"*View*"—Bankruptcy Act, 1914, s. 44. *In re* **Eric Holmes (Property) Ltd.,** Pennycuick J. [1965] Ch. 1052; [1965] 2 W.L.R. 1260.

"*Visitor*"—Occupiers' Liability Act, 1957, s. 2 (2).
Greenhalgh v. British Railways Board, C.A. [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892.

"*Volume or dimensions*"—Carriage by Air Act, 1932, Sch. 1, art. 8.
Corocraft Ltd. v. Pan American Airways Inc., C.A. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 1273.

"*Voluntary*"—Scientific Societies Act, 1843, s. 1.
Royal College of Music v. Cane, C.A. [1961] 2 Q.B. 89; [1961] 2 W.L.R. 571.

"*Voyage*"—Hague Rules, Art. 3, r. 1.
The Makedonia, Hewson J. [1962] P. 190; [1962] 2 W.L.R. 343.

"*Wages*"—Administration of Justice Act, 1956, s. 1 (1) (*o*).
The Acrux, Hewson J. [1965] P. 391; [1965] 3 W.L.R. 80.

"*Wake*"—39 Geo. 3 (1799), c. cxviii. **Wyld v. Silver,** Lloyd-Jacob J. [1962] Ch. 561; [1961] 3 W.L.R. 1303.
C.A. [1963] Ch. 243; [1962] 3 W.L.R. 841.

"*Warehouse*"—Factories Act, 1937, s. 25.
Fisher v. Port of London Authority, Stevenson J. [1962] 1 W.L.R. 234.

"*Wear and tear*"—Income Tax Act, 1952, s. 298 (1).
Macsaga Investment Co. Ltd. v. Lupton, C.A. [1967] Ch. 1016; [1967] 3 W.L.R. 333.

"*Week's pay*"—Redundancy Payments Act, 1965, Sch. 1, para. 5 (1).
S. & U. Stores Ltd. v. Lee, D.C. [1969] 1 W.L.R. 626.

"*Welfare*"—Adoption Act, 1958, s. 7 (1) (*b*).
In re **B. (S.) (An Infant),** Goff J. [1968] Ch. 204; [1967] 3 W.L.R. 1438.

"*Welfare of the infant*"—Guardianship of Infants Act, 1925, s. 1.
J. v. C., H.L.(E.) [1970] A.C. 668; [1969] 2 W.L.R. 540.

WORDS AND PHRASES—*continued.*

" *Where necessary* "—Building (Safety, Health and Welfare) Regulations, 1948, r. 12 (1).
Maloney v. A. Cameron Ltd., C.A. [1961] 1 W.L.R. 1087.

" *Where no error of the court . . . is alleged* "—Matrimonial Causes Rules, 1957, r. 36 (1).
Turner v. Turner, C.A. [1962] P. 283; [1961] 3 W.L.R. 1269.

" *While at a hospital as a patient* "—Road Safety Act, 1967, s. 3 (2).
Bosley v. Long, D.C. [1970] 1 W.L.R. 1410.

" *While in the execution of his duty* "—County Courts Act, 1959, s. 30 (1).
Vaughan v. McKenzie, Divl.Ct. [1969] 1 Q.B. 557; [1968] 2 W.L.R. 1133.

" *Whilst* "—Insurance.
Louden v. British Merchants Insurance Co. Ltd., Lawton J. [1961] 1 W.L.R. 798.

" *Whole case* "—Criminal Appeal Act, 1968, s. 17 (1) (*a*).
Reg. v. Bardoe, C.A. [1969] 1 W.L.R. 398.

" *Whole cooked beetroot* "—Labelling of Food Order, 1953, Sch. 1, Table B.
Birmingham Pre-Packers Ltd. v. Fowler, D.C. (1969) 67 L.G.R. 353.

" *Whole value of the undertaking* "—Finance Act, 1927, s. 55 (1).
E. Gomme Ltd. v. Inland Revenue Comrs., Ungoed-Thomas J. [1964] 1 W.L.R. 1348.

" *Wholesale dealer in drugs* "—Pharmacy Amendment Act, 1954, s. 13 (New Zealand).
Boots Chemists (New Zealand) Ltd. v. Chemists' Service Guild of New Zealand Inc., P.C. [1968] A.C. 457; [1967] 3 W.L.R. 1121.

" *Wholesale value* "—Purchase Tax Act, 1963, s. 3 (1).
Morisis Products Ltd. v. Comrs. of Customs and Excise, C.A. [1969] 1 W.L.R. 1585.

" *Wholly, exclusively and necessarily* "—Income Tax Act, 1952, Sch. 9, para. 7.
Brown v. Bullock, C.A. [1961] 1 W.L.R. 53.
McKie v. Warner, Plowman J. [1961] 1 W.L.R. 1230.
Lupton v. Potts, Plowman J. [1969] 1 W.L.R. 1749.

" *Wholly or mainly occupied* "—Rating and Valuation Act, 1961, s. 11 (1) (*a*).
Wynn v. Skegness Urban District Council, Ungoed-Thomas J. [1967] 1 W.L.R. 52.

" *Wholly or mainly used for charitable purposes* "—Local Government (Financial Provisions, etc.) (Scotland) Act, 1962, s. 4 (2).
Glasgow Corpn. v. Johnstone, H.L.(Sc.) [1965] A.C. 609; [1965] 2 W.L.R. 657.

" *Wholly . . . used for charitable purposes* "—Rating and Valuation Act, 1961, s. 11 (1) (*a*).
Aldous v. Southwark London Borough Council, C.A. [1968] 1 W.L.R. 1671.

" *Widow* "—Statute of 21 Hen. 8, c. 5, s. 2.
Coleman v. Shang, P.C. [1961] A.C. 481; [1961] 2 W.L.R. 562.

" *Wife* "—Matrimonial Causes Rules, 1965, s. 40 (1).
Navas v. Navas, Payne J. [1970] P. 159; [1969] 3 W.L.R. 437.

————National Assistance Act, 1948, s. 42 (1) (*a*).
Imam Din v. National Assistance Board, Divl.Ct. [1967] 2 Q.B. 213; [1967] 2 W.L.R. 257.

————Statute of Distribution, 1670, s .5.
Coleman v. Shang, P.C. [1961] A.C. 481; [1961] 2 W.L.R. 562.

" *Wilful* "—Police Act, 1964, s. 51 (3).
Rice v. Connolly, Divl.Ct. [1966] 2 Q.B. 414; [1966] 3 W.L.R. 17.

" *Wilfully* "—Highways Act, 1959, s. 121 (1).
Arrowsmith v. Jenkins, Divl.Ct. [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856.

" *Wilfully disobeyed* "—R.S.C., Ord. 42, r. 31.
Worthington v. Ad-Lib Club Ltd., Stirling J. [1965] Ch. 236; [1964] 3 W.L.R. 1094.

" *Wilfully obstructs* "—Highways Act, 1959, s. 121 (1).
Arrowsmith v. Jenkins, Divl.Ct. [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856.
Nagy v. Weston, Divl.Ct. [1965] 1 W.L.R. 280.

" *Wilfully or negligently fails to comply with . . . conditions* "—Road Traffic Act, 1960, s. 134 (3). **G. Newton Ltd. v. Smith,** Divl.Ct. [1962] 2 Q.B. 278; [1962] 2 W.L.R. 926.

" *Window* "—Covenant. **Ayling v. Wade,** C.A. [1961] 2 Q.B. 228; [1961] 2 W.L.R. 873.

" *Winnings* "—Betting, Gaming and Lotteries Act, 1963, s. 55 (1).
McCollom v. Wrightson, Divl.Ct. [1968] 1 Q.B. 412; [1967] 3 W.L.R. 1253.
H.L.(E.) [1968] A.C. 522; [1968] 2 W.L.R. 578.

" *With* "—Sexual Offences Act, 1956, s. 13.
Reg. v. Hall, C.C.A. [1964] 1 Q.B. 273; [1963] 3 W.L.R. 482

" *With a view to effecting a reconciliation* "—Matrimonial Causes Act, 1963, s. 2 (1).
Brown v. Brown, Divl.Ct. [1967] P. 105; [1964] 3 W.L.R. 899.

" *With intent to avoid payment* "—London Passenger Transport Act, 1936, s. 91 (2) (*b*).
Covington v. Wright, Divl.Ct. [1963] 2 Q.B. 469; [1963] 2 W.L.R. 1232.

" *With intent to stir up hatred* "—Race Relations Act, 1965, s. 6 (1).
Reg. v. Britton, C.A. [1967] 2 Q.B. 51; [1967] 2 W.L.R. 537.

" *With or towards* "—Indecency with Children Act, 1960, s. 1 (1).
Director of Public Prosecutions v. Burgess, D.C. [1970] 3 W.L.R. 805.

" *Withholds* "—Rent Act, 1965, s. 30 (2).
Westminster City Council v. Peart, D.C. (1968) 66 L.G.R. 561.

" *Without intent to take life* "—Crimes Act, 1900 (New South Wales), s. 23 (2) (*c*).
Parker v. The Queen, P.C. [1964] A.C. 1369; [1964] 3 W.L.R. 70.

WORDS AND PHRASES—*continued.*

" *Without lawful authority* "—Highways Act, 1959, s. 140 (1).
A. A. King (Contractors) Ltd. v. Page, D.C. (1970) 68 L.G.R. 576; [1970] R.T.R. 345.

" *Without obtaining possession* "—Landlord and Tenant Act, 1954, s. 30 (1) (*f*).
Whittingham v. Davies, C.A. [1962] 1 W.L.R. 142.
Little Park Service Station Ltd. v. Regent Oil Co. Ltd., C.A. [1967] 2 Q.B. 655; [1967] 2 W.L.R. 1036.

" *Without payment* "—Companies Act, 1948, s. 54 (1).
Curtis's Furnishing Stores Ltd. v. Freedman, Cross J. [1966] 1 W.L.R. 1219.

" *Without the grant of permission* "—Town and Country Planning Act, 1947, s. 24 (3).
Dorking and Horley Rural District Council v. Fry, Divl.Ct. (1961) 59 L.G.R. 132.

" *Words . . . and acts done . . . in their official capacity* "—Council of Europe (Immunities and Privileges) Order, 1960, art. 12 (1).
Zoernsch v. Waldock, C.A. [1964] 1 W.L.R. 675.

" *Working day* "—Charterparty.
Reardon Smith Line Ltd. v. Ministry of Agriculture, Fisheries and Food, C.A. [1962] 1 Q.B. 42; [1961] 3 W.L.R. 110.

" *Working place* "—Building (Safety, Health and Welfare) Regulations, 1948, reg. 24 (1).
Gill v. Donald Humberstone & Co. Ltd., C.A. [1962] 1 W.L.R. 1178.
H.L.(E.) [1963] 1 W.L.R. 929.
Kelly v. Pierhead Ltd., C.A. [1967] 1 W.L.R. 65.
Regan v. G. & F. Asphalt Ltd., Blain J.(1967) 65 L.G.R. 464; 2 K.I.R. 666.

————————Mines and Quarries Act, 1954, s. 48 (1).
Yenn v. National Coal Board, Veale J. [1967] 2 Q.B. 557; [1967] 2 W.L.R. 465.

" *Works . . . otherwise unreasonable in character or extent* "—Housing Act, 1964, s. 27 (2) (*b*).
Harrington v. Croydon Corpn., C.A. [1968] 1 Q.B. 856; [1968] 2 W.L.R. 67.

" *Would be likely* "—Motor Vehicles (Driving Licences) Regulations, 1963, reg. 4, Sch. 2.
Woodward v. Dykes, D.C. (1968) 67 L.G.R. 168.

" *Written law* "—Emergency (Essential Powers) Act, 1964, s. 2 (Malaysia).
Osman Bin Haji Mohamed Ali v. Public Prosecutor, P.C. [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076.

" *Written statement* "—Criminal Justice Act, 1967, s. 2.
Reg. v. Holt, C.A. [1968] 1 W.L.R. 1942.

" *Yearly interest of money* "—Income Tax Act, 1952, s. 169 (1).
Corinthian Securities Ltd. v. Cato, C.A. [1970] 1 Q.B. 377; [1969] 1 W.L.R. 693.

WORK AND LABOUR. (*See also* Building; Quantum Meruit.)

Contract

Implied term

Fitness of materials—Building contract—R.I.B.A. form.
Gloucestershire County Council v. Richardson, H.L.(E.) [1969] 1 A.C. 480; [1968] 3 W.L.R. 645.

————————Tiles for building—Sub-contractor liable for fault in manufacture.
Young & Marten Ltd. v. McManus Childs Ltd., H.L.(E.) [1969] 1 A.C. 454; [1968] 3 W.L.R. 630.

WORKMEN'S COMPENSATION. *See* Australia.

WRIT. *See* Practice.

WRITING

Instrument in. (*See also* Moneylender; Vendor and Purchaser.)

Purported deed

Written before intended to take effect—Whether it could operate as an " instrument in writing "—Appointment of receiver.
Windsor Refrigerator Co. Ltd. v. Branch Nominees Ltd., C.A. [1961] Ch. 88; [1961] 2 W.L.R. 196.

Oral lease. *See* Landlord and Tenant (**Agreement**).

WRONGFUL DISMISSAL. *See* Master and Servant.

CASES JUDICIALLY CONSIDERED

"Considered" for this purpose means commented on judicially in such a way that the comment might be argued to affect the weight or effect of the decision commented on.

A. (An Infant), In re [1955] 2 All E.R. 202, C.A. Considered, *In re* Adoption Application 41/61 **[1963] Ch. 315; [1962] 3 W.L.R. 997, C.A.**

A. (An Infant), In re [1963] 1 W.L.R. 231; [1963] 1 All E.R. 531. Considered, *In re* R. (Adoption) **[1967] 1 W.L.R. 34**

A.B. (An Infant), In re [1954] 2 Q.B. 385; [1954] 3 W.L.R. 1; [1954] 2 All E.R. 287, D.C. Approved, *In re* M. (An Infant) **[1961] Ch. 328; [1961] 2 W.L.R. 350, C.A.** Distinguished, *In re* R. (K.) (An Infant) **[1964] Ch. 455; [1963] 3 W.L.R. 992.** Applied, *In re* S. (An Infant) **[1965] 1 W.L.R. 94.** Considered, *In re* S. (An Infant) **[1965] 1 W.L.R. 483, C.A.**; *In re* C. (A.) (An Infant) **[1966] 1 W.L.R. 415**

A.B.C. Coupler and Engineering Co. Ltd., In re [1962] 1 W.L.R. 1236; [1962] 3 All E.R. 68. Not followed, *In re* Travel & Holiday Clubs Ltd. **[1967] 1 W.L.R. 711.** Distinguished, *In re* Allied Produce Co. Ltd. **[1967] 1 W.L.R. 1469**

A. H. S., In re, 1956, No. 441, Court of Protection. Observations of Vaisey J. considered, *In re* T. B. **[1967] Ch. 247; [1967] 2 W.L.R. 15**

A. v. *A. and H.* [1962] P. 196; [1962] 3 W.L.R. 212; [1962] 2 All E.R. 573. Considered, Inglis *v.* Inglis and Baxter **[1968] P. 639; [1967] 2 W.L.R. 488**

A. T. v. *Comr. of Income Tax* (1957) 2 E.A.T.C. 370. Considered, Vincenzini *v.* Regional Comr. of Income Tax **[1963] A.C. 459; [1963] 2 W.L.R. 429, P.C.**

A. U. v. *Comr. of Income Tax* (1958) 3 E.A.T.C. 386. Disapproved, Vincenzini *v.* Regional Comr. of Income Tax **[1963] A.C. 459; [1963] 2 W.L.R. 429, P.C.**

Aas v. *Benham* [1891] 2 Ch. 244, C.A. Considered, Phipps *v.* Boardman **[1964] 1 W.L.R. 993; [1966] 3 W.L.R. 1009, H.L.(E.)**

Abadesa, The (No. 2) [1968] P. 656; [1968] 3 W.L.R. 492; [1968] 2 All E.R. 726. Followed, The Mecca **[1968] P. 665; [1968] 3 W.L.R. 497**

Abbatt v. *Treasury Solicitor* [1969] 1 W.L.R. 561; [1969] 1 All E.R. 52. Decision of Pennycuick J. reversed **[1969] 1 W.L.R. 1575, C.A.**

Abbott, In re [1893] 1 Ch. 54. Applied, *In re* Hubbard's Will Trusts **[1963] Ch. 275; [1962] 1 W.L.R. 682**

Abbott v. *Minister of Lands* [1895] A.C. 425, P.C. Considered, Director of Public Works *v.* Ho Po Sang **[1961] A.C. 901; [1961] 3 W.L.R. 39, P.C.**

Abbott v. *Philbin* [1960] Ch. 27; [1959] 3 W.L.R. 739; [1959] 3 All E.R. 590; 39 T.C. 82, C.A. Applied, Westward Television Ltd. *v.* Hart **[1969] 1 Ch. 201; [1968] 1 W.L.R. 504; [1969] 1 Ch. 201; [1968] 3 W.L.R. 480, C.A.**

Abbott v. *Philbin* [1961] A.C. 352; [1960] 3 W.L.R. 255; [1960] 2 All E.R. 763; 39 T.C. 82, H.L.(E.). Applied, Heaton *v.* Bell **[1968] 1 W.L.R. 1385, C.A.; [1970] A.C. 728; [1969] 2 W.L.R. 735, H.L.(E.)**

Abbott v. *Smith (Note)* [1965] 2 Q.B. 662; [1965] 3 W.L.R. 362; [1965] 3 All E.R. 762. Approved, Donovan *v.* Gavin **[1965] 2 Q.B. 648; [1965] 3 W.L.R. 352, D.C.**

Abbott Fund Trusts, In re [1900] 2 Ch. 326. Applied, *In re* West Sussex Constabulary's Widows, Children and Benevolent (1930) Fund Trusts **[1970] 2 W.L.R. 848**

Ābdul Hameed Sitti Kadija v. *de Sarano* [1946] A.C. 208, P.C. Applied, Kanayson *v.* Rasiah **[1968] A.C. 746; [1967] 3 W.L.R. 1447, P.C.**

Aberconway's Settlement Trusts, In re [1953] Ch. 647; [1953] 3 W.L.R. 183; [1953] 2 All E.R. 350, C.A. Dicta of Evershed M.R. considered, *In re* Denley's Trust Deed **[1969] 1 Ch. 373; [1968] 3 W.L.R. 457**

Aberdeen Railway Co. v. *Blaikie Brothers* (1854) 1 Macq. 461, 471, H.L.(Sc.). Considered, Boulting *v.* Association of Cinematograph, Television and Allied Technicians **[1963] 2 Q.B. 606; [1963] 2 W.L.R. 529, C.A.** Dicta of Lord Cranworth L.C. considered, Phipps *v.* Boardman **[1967] 2 A.C. 46; [1966] 3 W.L.R. 1009, H.L.(E.)**

Aberfoyle Plantations Ltd. v. *Cheng* [1960] A.C. 115; [1959] 3 W.L.R. 1011; [1959] 3 All E.R. 910, P.C. Distinguished, Property & Bloodstock Ltd. *v.* Emerton **[1968] Ch. 94; [1967] 3 W.L.R. 973, C.A.** Principle applied, *In re* Longlands Farm **[1968] 3 All E.R. 552.** Considered, Wood Preservation Ltd. *v.* Prior **[1968] 2 All E.R. 849**

Abergavenny's (Lord) Case (1610) 12 Co.Rep. 70. Considered, *In re* Parliamentary Election for Bristol South East **[1964] 2 Q.B. 257; [1961] 3 W.L.R. 577, Election Ct.**

Abrahams v. *Dimmock* [1915] 1 K.B. 662; 31 T.L.R. 87, C.A. Considered, Robophone Facilities Ltd. *v.* Blank **[1966] 1 W.L.R. 1428, C.A.**

Abrahams v. *Herbert Reiach Ltd.* [1922] 1 K.B. 477, 482, C.A. Considered, Lavarack *v.* Woods of Colchester Ltd. **[1967] 1 Q.B. 278; [1966] 3 W.L.R. 706, C.A.** Dictum of Scrutton L.J. applied, The Mihalis Angelos **[1970] 3 W.L.R. 601, C.A.**

Abrahams' Will Trusts, In re [1969] 1 Ch. 463; [1967] 3 W.L.R. 1198; [1967] 2 All E.R. 1175. Distinguished, Inland Revenue Comrs. *v.* Williams **[1969] 1 W.L.R. 1197**

Absalom (F. R.) Ltd. v. *Great Western (London) Garden Village Society Ltd.* [1933] A.C. 592, 611, H.L.(E.). Considered, Giacomo Costa Fu Andrea *v.* British Italian Trading Co. Ltd. **[1963] 1 Q.B. 201; [1962] 3 W.L.R. 512, C.A.** Dicta of Lord Russell of Killowen applied, Belsfield Court Construction Co. Ltd. *v.* Pywell **[1970] 2 Q.B. 47; [1969] 3 W.L.R. 1051**

Achillopoulos, In re [1928] Ch. 438. Considered, *In re* Manifold, decd. **[1962] Ch. 1; [1961] 2 W.L.R. 456**

Ackerley, In re [1913] 1 Ch. 510. Applied, *In re* Priestley's Will Trusts **[1970] 3 W.L.R. 1054**

Ackland v. *Lutley* (1839) 9 Ad. & El. 879. Considered, Ladyman *v.* Wirral Estates Ltd. **[1968] 2 All E.R. 197**

Ackland & Pratten Ltd. v. *Inland Revenue Comrs.* [1960] 1 W.L.R. 1117; [1960] 3 All E.R. 367. Dicta approved, Inland Revenue Comrs. *v.* J. B. Hodge & Co. (Glasgow) Ltd. **[1961] 1 W.L.R. 1218, H.L.(Sc.)**

Ackroyd & Sons v. *Hasan* [1960] 2 Q.B. 144; [1960] 2 W.L.R. 810; [1960] 2 All E.R. 254, C.A. Applied, Dellafiora *v.* Lester **[1962] 1 W.L.R. 1208, C.A.**; A. L. Wilkinson Ltd. *v.* Brown **[1966] 1 W.L.R. 194, C.A.**

Ackroyds (London) Ltd. v. *Islington Plastics Ltd.* [1962] R.P.C. 91, 104, 105. Dicta of Havers J. applied, Cranleigh Precision Engineering Ltd. *v.* Bryant **[1965] 1 W.L.R. 1293**

Acton v. *Blundell* (1843) 12 M. & W. 324. Applied, Langbrook Properties Ltd. *v.* Surrey County Council **[1970] 1 W.L.R. 161**

Adam v. *Fisher* (1914) 30 T.L.R. 288, C.A. Considered, Attorney-General *v.* Mulholland; Attorney-General *v.* Foster **[1963] 2 Q.B. 477; [1963] 2 W.L.R. 658, C.A.** Dictum of Buckley L.J. not applied, Attorney-General *v.* Clough **[1963] 1 Q.B. 773; [1963] 2 W.L.R. 343**

Adam v. *Newbigging* (1888) 13 App.Cas. 308, H.L.(E.). Applied, Senanayake *v.* Cheng **[1966] A.C. 63; [1965] 3 W.L.R. 715, P.C.**

Adam v. *Ward* (1915) 31 T.L.R. 299, C.A. Applied, London Artists Ltd. *v.* Littler **[1968] 1 W.L.R. 607**

Adam v. *Ward* [1917] A.C. 309, 320, 331, 340, 341; 33 T.L.R. 277, H.L.(E.). Dicta considered, Egger *v.* Chelmsford (Viscount) **[1965] 1 Q.B. 248; [1964] 3 W.L.R. 714, C.A.**

Adam & Harvey Ltd. v. *International Maritime Supplies Co. Ltd.* [1967] 1 W.L.R. 445; [1967] 1 All E.R. 533, C.A. Distinguished, *In re* H. (Infants) (No. 2) **[1970] 1 W.L.R. 69, C.A.**

Adamjee v. *Sadeen* [1957] A.C. 94; [1957] 2 W.L.R. 67, P.C. Considered, Nadesan *v.* Ramasamy **[1961] A.C. 763; [1961] 2 W.L.R. 940, P.C.**

Adams, decd., In re [1967] 1 W.L.R. 162; [1966] 3 All E.R. 825. Decision of Cross J. reversed **[1968] Ch. 80; [1967] 3 W.L.R. 1088, C.A.**

Adams v. *Angell* (1877) 5 Ch.D. 634, C.A. Distinguished, Parkash *v.* Irani Finance Ltd. **[1970] Ch. 101; [1969] 2 W.L.R. 1134**

Adams v. *London & Blackwall Railway Co.* (1850) 2 McN. & G. 118. Applied, Capital Investments Ltd. *v.* Wednesfield Urban District Council **[1965] Ch. 774; [1964] 2 W.L.R. 932**

Adams v. *Rowley Regis Borough Council* (1962) 60 L.G.R. 518. Followed, Abel *v.* Orpington Urban District Council **(1963) 61 L.G.R. 546, D.C.**

Adams (Durham) Ltd. v. *Trust Houses Ltd.* [1960] 1 Lloyd's Rep. 380, 386. Dictum of Fenton Atkinson Q.C. applied, British Road Services *v.* Arthur V. Crutchley & Co. Ltd. **[1968] 1 All E.R. 811, C.A.**

Adamson v. *Attorney-General* [1933] A.C. 257; 49 T.L.R. 169, H.L.(E.). Applied, *In re* Kirkwood **[1964] Ch. 527; [1964] 2 W.L.R. 680**; *In re* Kilpatrick's Policies Trusts **[1966] Ch. 730; [1966] 2 W.L.R. 1346, Cross J. and C.A.**

Adcock v. *Wilson* [1967] 2 Q.B. 683; [1967] 2 W.L.R. 1189; [1967] 1 All E.R. 1028, D.C. Decision of the Divisional Court affirmed **[1969] 2 A.C. 326; [1968] 2 W.L.R. 914, H.L.(E.)**

Addams v. *Carter* (1862) 6 L.T. 130. Overruled, Dunk *v.* George Waller & Son Ltd. **[1970] 2 Q.B. 163; [1970] 2 W.L.R. 1241, C.A.**

Addie (Robert) & Sons (Collieries) Ltd. v. *Dumbreck* [1929] A.C. 358, 365; 45 T.L.R. 267, H.L.(Sc.). Dicta of Lord Hailsham applied, Comr. for Railways *v.* Quinlan **[1964] A.C. 1054; [1964] 2 W.L.R. 817, P.C.**

Addis v. *Burrows* [1948] 1 K.B. 444; 64 T.L.R. 169; [1948] 1 All E.R. 177, C.A. Applied, Allam & Co. Ltd. *v.* Europa Poster Services Ltd. **[1968] 1 W.L.R. 639**

Addis v. *Crocker* [1961] 1 Q.B. 11; [1960] 3 W.L.R. 527; [1960] 2 All E.R. 629, C.A. Applied, Lincoln *v.* Daniels **[1962] 1 Q.B. 237; [1961] 3 W.L.R. 866, C.A.**

Addis v. *Gramophone Co. Ltd.* [1909] A.C. 488, H.L.(E.). Dicta distinguished, Dunk *v.* George Waller & Son Ltd. **[1970] 2 Q.B. 163; [1970] 2 W.L.R. 1241, C.A.**

Addiscombe Garden Estates Ltd. v. *Crabbe* [1958] 1 Q.B. 513; [1957] 3 W.L.R. 980; [1957] 3 All E.R. 563, C.A. Distinguished, Finbow *v.* Air Ministry **[1963] 1 W.L.R. 697**; Abernethie *v.* A. M. & J. Kleiman Ltd. **[1970] 1 Q.B. 10; [1969] 2 W.L.R. 1364, C.A.**

Addison (orse. MacAllister) v. *Addison* [1955] N.I. 1. Applied, Ross Smith (orse. Radford) *v.* Ross Smith **[1961] P. 39; [1961] 2 W.L.R. 71, C.A.** Distinguished, Ross Smith *v.* Ross Smith **[1963] A.C. 280; [1962] 2 W.L.R. 388, H.L.(E.)**

Adel Muhammed el Dabbah v. *Attorney-General for Palestine* [1944] A.C. 156, 168; 60 T.L.R. 456; [1944] 2 All E.R. 139, P.C. Dicta of Lord Thankerton applied, R. *v.* Oliva **[1965] 1 W.L.R. 1028, C.C.A.**

Adler v. *Dickson* [1955] 1 Q.B. 158; [1954] 3 W.L.R. 696; [1954] 3 All E.R. 397, C.A. Applied, Midland Silicones Ltd. *v.* Scruttons Ltd. **[1962] A.C. 446; [1962] 2 W.L.R. 186, H.L. (E.).** Considered, Genys *v.* Matthews **[1966] 1 W.L.R. 758**

Admiralty Comrs. v. *S.S. Chekiang (Owners)* [1926] A.C. 637, H.L.(E.). Considered, Birmingham Corpn. *v.* Sowsbery **(1967) 67 L.G.R. 600; [1970] R.T.R. 84**

Admiralty Comrs. v. *S.S. Susquehanna* [1926] A.C. 655, H.L.(E.). Applied, The Hebridean Coast **[1961] A.C. 545; [1961] 2 W.L.R. 48, H.L. (E.)**

Admiralty Comrs. v. *S.S. Volute* [1922] 1 A.C. 129; 38 T.L.R. 225, H.L.(E.). Considered, Imperial Chemical Industries Ltd. *v.* Shatwell **[1965] A.C. 656; [1965] 3 W.L.R. 329, H.L. (E.)**

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Adoption Application 41/61, In re [1963] Ch. 315, 328, 329, 333; [1962] 3 W.L.R. 997; [1962] 3 All E.R. 553, C.A. Dicta considered, *In re* O. (An Infant) **[1965] Ch. 23; [1964] 2 W.L.R. 840, C.A.** Considered, *In re* R. (M.) (An Infant) **[1966] 1 W.L.R. 1527.** Principles stated by Danckwerts L.J. applied, J. *v.* C. **[1970] A.C. 668; [1969] 2 W.L.R. 540, H.L. (E.)**

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Agricultural Wholesale Society Ltd., In re [1929] 2 Ch. 261; 45 T.L.R. 467. Not followed, *In re* Theo Garvin Ltd. **[1969] 1 Ch. 624; [1968] 2 W.L.R. 683**

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Akerib v. *Booth and Others Ltd.* [1960] 1 W.L.R. 454; [1960] 1 All E.R. 481. Decision of Jones J. reversed on other grounds **[1961] 1 W.L.R. 367, C.A.**

Aksionairnoye Obschestvo A. M. Luther v. *James Sagor & Co.* [1921] 1 K.B. 456; [1921] 3 K.B. 532; 37 T.L.R. 777, C.A. Considered, Carl Zeiss Stiftung *v.* Rayner & Keeler Ltd. (No. 2) **[1967] 1 A.C. 853; [1966] 3 W.L.R. 125, H.L. (E.)**

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Aktieselskabet Reidar v. *Arcos Ltd.* [1927] 1 K.B. 352; 42 T.L.R. 737, C.A. Considered, Suisse Atlantique Société d'Armement Maritime S.A. *v.* N.V. Rotterdamsche Kolen Centrale **[1967] 1 A.C. 361; [1966] 2 W.L.R. 944, H.L. (E.)**

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Aldridge, In re (1886) 55 L.T. 554, 556, C.A. Dictum of Kay L.J. considered, *In re* Pilkington's Will Trusts **[1964] A.C. 612; [1962] 3 W.L.R. 1051, H.L. (E.)**

Aldridge, In re (1897) 15 N.Z.L.R. 361. Considered, Adams *v.* Adams (Attorney-General Intervening) **[1970] 3 W.L.R. 934**

Alenquer, The [1955] 1 W.L.R. 263. Considered, The Tojo Maru **[1970] P. 21; [1969] 2 W.L.R. 594.** Distinguished, The Tojo Maru **[1970] P. 21; [1969] 3 W.L.R. 902, C.A.**

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Alexander v. *Thomas* (1851) 16 Q.B. 333. Considered, Williamson *v.* Rider **[1963] 1 Q.B. 89; [1962] 3 W.L.R. 119, C.A.**

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Alfin v. *Hewlett* (1902) 18 T.L.R. 664. Distinguished, Hill *v.* Archbold **[1967] 2 Q.B. 418; [1967] 2 W.L.R. 1180**

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Allcard v. *Skinner* (1887) 36 Ch.D. 145, 171; 3 T.L.R. 751, C.A. Dictum of Cotton L.J. considered, *In re* Pauling's Settlement Trusts **[1964] Ch. 303; [1963] 3 W.L.R. 742, C.A.** Applied, *In re* Craig, decd. **[1970] 2 W.L.R. 1219;** *In re* **C. M. G. [1970] Ch. 574; [1970] 3 W.L.R. 80, Ct. of Protection**

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Allchin v. *Coulthard* **[1943] A.C. 607; 59** T.L.R. 396; [1943] 2 All E.R. 352; 25 T.C. 445, H.L.(E.). Applied, B. W. Nobes & Co. Ltd. *v.* Inland Revenue Comrs. **[1964] 1 W.L.R. 761.** Distinguished, B. W. Nobes & Co. Ltd. *v.* Inland Revenue Comrs. **[1965] 1 W.L.R. 229, C.A.**

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Attorney-General v. *Noyes* (1881) 8 Q.B.D. 125, C.A. Applied, *In re* Kirkwood **[1964] Ch. 527; [1964] 2 W.L.R. 680**

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B. (*Infants*), *In re* [1961] Ch. 303; [1961] 2 W.L.R. 626; [1961] 2 All E.R. 250. Decision of Pennycuick J. affirmed **[1962] Ch. 201; [1961] 3 W.L.R. 694, C.A.**

B. (*Infants*), *In re* [1962] Ch. 201; [1961] 3 W.L.R. 694; [1961] 3 All E.R. 276, C.A. Considered, *In re* S. (An Infant) **[1965] 1 W.L.R. 94**

B. (*Infants*) (*1965*), *In re* [1965] 1 W.L.R. 946; [1965] 2 All E.R. 651n. Considered, Visco *v.* Minter **[1969] P. 82; [1969] 3 W.L.R. 70**

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Clark v. *Dew* (1829) 1 Russ. & M. 103. Followed, Bettinson *v.* Bettinson **[1965] Ch. 465; [1965] 2 W.L.R. 448**

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Clay, In re [1919] 1 Ch. 66, C.A. Distinguished, Ealing London Borough Council *v.* Race Relations Board **[1970] 3 W.L.R. 921**

Clay v. *A. J. Crump & Sons Ltd.* [1964] 1 Q.B. 533; [1963] 3 W.L.R. 866; [1963] 3 All E.R. 687, C.A. Applied, McArdle *v.* Andmac Roofing Co. **[1967] 1 W.L.R. 356.** Followed, Driver *v.* William Willett (Contractors) Ltd. **[1969] 1 All E.R. 665**

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Clegg v. *Hands* (1890) 44 Ch.D. 503; 6 T.L.R. 233, C.A. Considered, Esso Petroleum Co. Ltd. *v.* Harper's Garage (Stourport) Ltd. **[1966] 2 Q.B. 514; [1965] 3 W.L.R. 469.** Applied, Regent Oil Co. Ltd. *v.* J. A. Gregory (Hatch End) Ltd. **[1966] Ch. 402; [1965] 3 W.L.R. 1206, C.A.**

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Clements v. *Flight* (1846) 16 M. & W. 42. Applied, Capital Finance Co. Ltd. *v.* Bray **[1964] 1 W.L.R. 323, C.A.**

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Clift v. *Schwabe* (1846) 3 C.B. 437. Approved, *In re* Davis, decd. **[1968] 1 Q.B. 72; [1967] 2 W.L.R. 1089, C.A.**

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Clinton's Trust, In re (1871) L.R. 13 Eq. 295. Considered, *In re* Peel's Settlement Trusts **[1964] 1 W.L.R. 1232**

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Clyne v. *Yardley* [1959] N.Z.L.R. 617. Not followed, Randolph *v.* Tuck **[1962] 1 Q.B. 175; [1961] 2 W.L.R. 855**

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Coates, decd., In re [1955] Ch. 495; [1954] 3 W.L.R. 959; [1955] 1 All E.R. 26. Applied, *In re* Wootton, decd. **[1968] 1 W.L.R. 681**

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Cobb v. *Lane* [1952] 1 All E.R. 1199, C.A. Applied, Hughes *v.* Griffin **[1969] 1 W.L.R. 23, C.A.**

Cobbold, In re [1903] 2 Ch. 299, as corrected in [1915] 1 Ch. 847. Applied, *In re* Macandrew's Will Trusts **[1964] Ch. 704; [1963] 3 W.L.R. 822**

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Cochrane v. *Moore* (1890) 25 Q.B.D. 57; 6 T.L.R. 296, C.A. Applied, *In re* Cole, A Bankrupt **[1964] Ch. 175; [1963] 3 W.L.R. 621, C.A.**

Cochrane v. *Verner* (1895) 29 I.L.T. 571. Considered, Phipps *v.* Pears **[1965] 1 Q.B. 76; [1964] 2 W.L.R. 996, C.A.**

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Cockwell v. *Romford Sanitary Steam Laundry Ltd.* (1939) 56 T.L.R. 135; [1939] 4 All E.R. 370 C.A. Distinguished, Hare *v.* Nicoll **[1966] 2 Q.B. 130; [1966] 2 W.L.R. 441, C.A.**

Coe v. *Wise* (1866) L.R. 1 Q.B. 711. Applied, Sephton *v.* Lancashire River Board **[1962] 1 W.L.R. 623**

Cogan v. *Ebden* (1757) 1 Burr. 383. Distinguished, Boston *v.* W. S. Bagshaw & Sons **[1966] 1 W.L.R. 1126, C.A.**

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Cogley v. *Sherwood* [1959] 2 Q.B. 311; [1959] 2 W.L.R. 781; [1959] 2 All E.R. 313, D.C. Applied, Rose *v.* Welbeck Motors Ltd. **[1962] 1 W.L.R. 1010, D.C.**

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Cohen, In re [1918] W.N. 252. Distinguished, *In re* Wells, decd. **[1968] 1 W.L.R. 44**

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Cohen v. *Cohen* [1947] P. 147; 63 T.L.R. 423; [1947] 2 All E.R. 69, C.A. Applied, Jolliffe *v.* Jolliffe **[1965] P. 6; [1964] 2 W.L.R. 13, D.C.**

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Cohen v. *Lester (J.) Ltd.* [1939] 1 K.B. 504; [1938] 4 All E.R. 188. Applied, Congresbury Motors Ltd. *v.* Anglo-Belge Finance Co. Ltd. **[1970] Ch. 294; [1969] 3 W.L.R. 502**

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Cohen's Settlement Trusts, In re [1965] 1 W.L.R. 1229; [1965] 3 All E.R. 139. Distinguished, *In re* Holt's Settlement **[1969] 1 Ch. 100; [1968] 2 W.L.R. 653**

Cohen's Will Trusts, In re [1936] 1 All E.R. 103. Distinguished, *In re* Leek, decd. **[1967] Ch. 1061; [1967] 3 W.L.R. 576**

Cohen's Will Trusts, In re [1959] 1 W.L.R. 865; [1959] 3 All E.R. 523. Considered, *In re* Cohen's Settlement Trusts **[1965] 1 W.L.R. 1229**

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Colburn v. *Patmore* (1843) 1 Cr.M. & R. 65. Followed, S. W. Strange Ltd. *v.* Mann **[1965] 1 W.L.R. 629**

Coldman v. *Hill* [1919] 1 K.B. 443, 449; 35 T.L.R. 146, C.A. Dictum of Bankes L.J. applied, Houghland *v.* R. R. Low (Luxury Coaches) Ltd. **[1962] 1 Q.B. 694; [1962] 2 W.L.R. 1015, C.A.**

Cole v. *Harris* [1945] K.B. 474, 485; 61 T.L.R. 440; [1945] 2 All E.R. 146, C.A. Test of Morton L.J. applied, Fredco Estates Ltd. *v.* Bryant **[1961] 1 W.L.R. 76, C.A.**

Cole v. *Manning* (1877) 2 Q.B.D. 611, D.C. Approved, Simpson *v.* Collinson **[1964] 2 Q.B. 80; [1964] 2 W.L.R. 387, C.A.**

Cole v. *Milsome* [1951] 1 All E.R. 311. Applied, ORBIT MINING AND TRADING CO. LTD. *v.* WESTMINSTER BANK LTD. **[1963] 1 Q.B. 794; [1962] 3 W.L.R. 1256, MacKenna J. and C.A.**

Cole v. *Police Constable 443A* [1937] 1 K.B. 316; 53 T.L.R. 40; [1936] 3 All E.R. 107, D.C. Dictum of Goddard J. approved, HENNING *v.* CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS **[1964] A.C. 420; [1963] 3 W.L.R. 88, H.L.(E.)**

Cole, A Bankrupt, In re [1964] Ch. 175; [1963] 3 W.L.R. 621; [1963] 3 All E.R. 433, C.A. Distinguished, THOMAS *v.* TIMES BOOK CO. LTD. **[1966] 1 W.L.R. 911**

Coleman, In re (1888) 39 Ch.D. 443, C.A. Distinguished, *In re* GULBENKIAN'S SETTLEMENTS (No. 2) **[1970] Ch. 408; [1969] 3 W.L.R. 450**

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Coleman v. *Goldsmith* (1879) 43 J.P. 718, D.C. Distinguished, GRANDI *v.* MILBURN **[1966] 2 Q.B. 263; [1966] 3 W.L.R. 90, D.C.**

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Coller's Deed Trusts, In re [1939] Ch. 277, 282; 53 T.L.R. 859; [1939] 3 All E.R. 292, C.A. Considered, *In re* CHANCE'S WILL TRUSTS **[1962] Ch. 593; [1962] 1 W.L.R. 409.** Applied, *In re* BERKELEY, DECD. **[1968] Ch. 154; [1967] 3 W.L.R. 1312.** Dictum of Romer L.J. not followed, *In re* BERKELEY, DECD. **[1968] Ch. 744; [1968] 3 W.L.R. 253, C.A.**

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Collier v. *Mason* (1858) 25 Beav. 200. Considered, FRANK H. WRIGHT (CONSTRUCTIONS) LTD. *v.* FRODOOR LTD. **[1967] 1 W.L.R. 506**

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Collins v. *Flynn* [1963] 2 All E.R. 1068. Considered, BREW BROTHERS LTD. *v.* SNAX (ROSS) LTD. **[1970] 1 Q.B. 612; [1969] 3 W.L.R. 657, C.A.**

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Collins v. *Hertfordshire County Council* [1947] K.B. 598; 63 T.L.R. 317; [1947] 1 All E.R. 633. Applied, DORNAN *v.* J. W. ELLIS & CO. LTD. **[1962] 1 Q.B. 583; [1962] 2 W.L.R. 250, C.A.;** ROBINSON *v.* UNICOS PROPERTY CORPN. LTD. **[1962] 1 W.L.R. 520, C.A.**

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Colman (J. & J.) Ltd. v. *Comrs. of Customs and Excise* [1968] 1 W.L.R. 1286; [1968] 2 All E.R. 832, C.A. Considered, SUPERHEATER CO. LTD. *v.* COMRS. OF CUSTOMS AND EXCISE **[1969] 1 W.L.R. 858, D.C.**

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Colverson v. *Bloomfield* (1885) 29 Ch.D. 341. Applied, Felton *v.* Callis **[1969] 1 Q.B. 200; [1968] 3 W.L.R. 952**

Colvilles Ltd. v. *Devine*, 1968 S.L.T. 294. Decision of the Second Division of the Court of Session affirmed **[1969] 1 W.L.R. 475, H.L.(Sc.)**

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Cooke v. *Birt* (1814) 5 Taunt. 765. Applied, Southam *v.* Smout **[1964] 1 Q.B. 308; [1963] 3 W.L.R. 606, C.A.**

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Dupleix v. *De Roven* (1705) 2 Vern. 540. Followed, *In re* Flynn, decd. (No. 2) **[1969] 2 Ch. 403; [1969] 2 W.L.R. 1148**

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E. (*D.*) (*An Infant*), *In re* [1967] Ch. 761, 768; [1967] 2 W.L.R. 1370; [1967] 2 All E.R. 881, C.A. Dictum of Willmer L.J. applied, *In re* T. (Infants) **[1968] Ch. 704; [1968] 3 W.L.R. 430, C.A.** Distinguished, *In re* A. (Infants) **[1970] 3 W.L.R. 142, C.A.**

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Eames v. *Hacon* (1880) 16 Ch.D. 407. Considered, *In re* Manifold, decd. **[1962] Ch. 1; [1961] 2 W.L.R. 456**

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East Ham Corpn. v. *Bernard Sunley & Sons Ltd.* [1965] 1 W.L.R. 30; [1965] 1 All E.R. 210, C.A. Decision of the Court of Appeal reversed **[1966] A.C. 406; [1965] 3 W.L.R. 1096, H.L.(E.)**

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Eastern Moon, The (1927) 28 Ll.L.Rep. 22. Applied, The Teh Hu **[1970] P. 106**; [1969] 3 **W.L.R. 1135, Brandon J. and C.A.**

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***Eaves**, In re* [1940] Ch. 109; 56 T.L.R. 110; [1939] 4 All E.R. 260, C.A. Applied, *In re* D'Altroy's Will Trusts **[1968] 1 W.L.R. 120**

Eaves v. *Morris Motors Ltd.* [1961] 1 W.L.R. 511; [1960] 3 W.L.R. 656. Applied, Johnson *v.* J. Stone & Co. (Charlton) Ltd. **[1961] 1 W.L.R. 849.** Decision of Winn J. reversed **[1961] 2 Q.B. 385; [1961] 3 W.L.R. 657, C.A.**

Eaves v. *Morris Motors Ltd.* [1961] 2 Q.B. 385, 395–396; [1961] 3 W.L.R. 657; [1961] 3 All C.A. Considered, Cross *v.* Midland and Low Moor Iron and Steel Co. Ltd. **[1965] A.C. 343; [1964] 2 W.L.R. 1365, D.C.** Dicta of Holroyd Pearce L.J. applied, Cross *v.* Midland and Low Moor Iron and Steel Co. Ltd. **[1965] A.C. 343; [1964] 3 W.L.R. 1180, H.L.(E.).** Approved, Johnson *v.* F. E. Callow (Engineers) Ltd. **[1970] 3 W.L.R. 982, H.L.(E.).**

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Eccles v. *Mills* [1898] A.C. 360; 14 T.L.R. 270, P.C. Applied, *In re* Day's Will Trusts **[1962] 1 W.L.R. 1419**

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Eddis v. *Chichester Constable* [1969] 1 W.L.R. 385; [1969] 1 All E.R. 546. Decision of Goff J. affirmed **[1969] 2 Ch. 345; [1969] 3 W.L.R. 48, C.A.**

***Eden**, In re* [1957] 1 W.L.R. 788; [1957] 2 All E.R. 430. Considered, *In re* Hain's Settlement **[1961] 1 W.L.R. 440, C.A.**; *In re* Saxone Shoe Co. Ltd.'s Trust Deed **[1962] 1 W.L.R. 943**

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Holborn v. *Holborn* (1947) 63 T.L.R. 87; [1947] 1 All E.R. 32, D.C. Applied, C. *v.* C. **[1967] P. 298; [1967] 3 W.L.R. 223**

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Inland Revenue Comrs. v. *Land Securities Investment Trust Ltd.* [1968] 1 W.L.R. 423; [1968] 1 All E.R. 955; P.T. Leaflet No. 55. Decision of Cross J. reversed **[1968] 1 W.L.R. 1446, C.A.**

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Jackson v. *Cummins* (1839) 5 M. & W. 342. Applied. *In re* Southern Livestock Producers Ltd. **[1964] 1 W.L.R. 24**

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R. v. *Battersea, Wandsworth, Mitcham and Wimbledon Rent Tribunal, Ex parte Ambalal Parikh* [1957] 1 W.L.R. 410; [1957] 1 All E.R. 352, D.C. Approved, Luganda *v.* Service Hotels Ltd. **[1969] 2 Ch. 209; [1969] 2 W.L.R. 1056, C.A.**

R. v. *Bedford Level Corpn.* (1805) 6 East 356. Considered, Adams *v.* Adams (Attorney-General Intervening) **[1970] 3 W.L.R. 934**

R. v. *Bell* (1822) 1 L.J.K.B.(O.S.) 42. Considered, Radstock Co-operative and Industrial Society Ltd. *v.* Norton-Radstock Urban District Council **[1968] Ch. 605; [1968] 2 W.L.R. 1214, C.A.**

R. v. *Benchers of Gray's Inn* (1780) 1 Doug. 353. Applied, Lincoln *v.* Daniels **[1962] 1 Q.B. 237; [1961] 3 W.L.R. 866, C.A.** Considered, *In re* S. (A Barrister) **[1970] 1 Q.B. 160; [1969] 2 W.L.R. 708**

R. v. *Benchers of Lincoln's Inn* (1825) 4 B. & C. 855. Considered, Nagle *v.* Feilden **[1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027, C.A.**

R. v. *Berg, Britt, Carré and Lummies* (1927) 20 Cr.App.R. 38, C.C.A. Applied, Shaw *v.* Director of Public Prosecutions **[1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.).** Considered, R. *v.* Quinn **[1962] 2 Q.B. 245; [1961] 3 W.L.R. 611**

R. v. *Berkshire County Council, Ex parte Berkshire Lime Co. (Childrey) Ltd.* [1953] 1 W.L.R. 1146; [1953] 2 All E.R. 779, D.C. Considered, T. K. Worgan & Son Ltd. *v.* Gloucestershire County Council **[1961] 2 Q.B. 123; [1961] 2 W.L.R. 729, C.A.**

R. v. *Bernhard* [1938] 2 K.B. 264; 54 T.L.R. 615; [1938] 2 All E.R. 140, C.C.A. Applied, R. *v.* Skivington **[1968] 1 Q.B. 166; [1967] 2 W.L.R. 665, C.A.**

R. v. *Bertrand* (1867) L.R. 1 P.C. 520, P.C. Applied, Australian Consolidated Press Ltd. *v.* Uren **[1969] 1 A.C. 590; [1967] 3 W.L.R. 1338, P.C.**

R. v. *Betty* (1964) 48 Cr.App.R. 6, C.C.A. Considered, R. *v.* Anderson; R. *v.* Morris **[1966] 2 Q.B. 110; [1966] 2 W.L.R. 1195, C.C.A.**

R. v. *Beynon* [1957] 2 Q.B. 111; [1957] 2 W.L.R. 956; [1957] 2 All E.R. 513. Distinguished, R. *v.* McCarthy **[1967] 1 Q.B. 68; [1966] 2 W.L.R. 555, C.C.A.**

R. v. *Bhagwan* [1970] 2 W.L.R. 837; [1970] 1 All E.R. 1129, C.A. Decision of the Court of Appeal affirmed **[1970] 3 W.L.R. 501, H.L.(E.)**

R. v. *Birmingham Union Guardians, Ex parte Ludlow Union Guardians* (1874) 44 L.J.M.C. 48. Applied, R. *v.* Hastings Licensing Justices, *Ex parte* John Lovibond & Sons Ltd. **[1968] 1 W.L.R. 735, D.C.**

R. v. *Bishop* [1959] 1 W.L.R. 931; [1959] 2 All E.R. 787; 43 Cr.App.R. 177, C.C.A. Applied, R. *v.* Furlong **[1962] 2 Q.B. 161; [1962] 2 W.L.R. 796, C.C.A.** Distinguished, R. *v.* Gibbs **[1965] 2 Q.B. 281; [1964] 3 W.L.R. 1272, C.C.A.**; R. *v.* Roe **[1967] 1 W.L.R. 634, C.A.**

R. v. *Blake* [1962] 2 Q.B. 377, 383; [1961] 3 W.L.R. 744; [1961] 3 All E.R. 125, C.C.A. Dicta applied, R. *v.* Britten **[1969] 1 W.L.R. 151, C.A.**

R. v. *Blakeman* (1850) 3 Car. & Kir. 97. Considered, R. *v.* Chandler (No. 2) **[1964] 2 Q.B. 321; [1964] 2 W.L.R. 689, C.C.A.**

R. v. *Blakeway* [1969] 1 W.L.R. 1233; [1969] 2 All E.R. 1133; 53 Cr.App.R. 498, C.A. Distinguished, R. *v.* Gall **(1970) 54 Cr.App.R. 292, C.A.**; R. *v.* Wilkinson (George) **[1970] 1 W.L.R. 1319, C.A.**

R. v. *Blamires Transport Services Ltd.* [1964] 1 Q.B. 278, 282; [1963] 3 W.L.R. 496; [1963] 3 All E.R. 170, C.A. Applied, R. *v.* Boal **[1965] 1 Q.B. 402; [1964] 3 W.L.R. 593, C.C.A.**

R. v. *Blandford Justices, Ex parte G. (An Infant)* [1967] 1 Q.B. 82; [1966] 2 W.L.R. 1232; [1966] 1 All E.R. 1012, D.C. Considered, R. *v.* Gore Justices, *Ex parte* N. (An Infant) **[1966] 1 W.L.R. 1522, D.C.**

R. v. *Blane* (1849) 13 Q.B. 769. Explained, Buckeridge *v.* Hall **[1963] 1 Q.B. 614; [1963] 2 W.L.R. 354, D.C.** Overruled, R. *v.* Bow Road Justices, *Ex parte* Adedigba **[1968] 2 Q.B. 572; [1968] 2 W.L.R. 1143, C.A.**

R. v. *Board of Control, Ex parte Rutty* [1956] 2 Q.B. 109; [1956] 2 W.L.R. 822; [1956] 1 All E.R. 769, D.C. Considered, R. *v.* Governor of Brixton Prison, *Ex parte* Soblen **[1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, C.A.**

R. v. *Board of Education* [1910] 2 K.B. 165, C.A. Applied, R. *v.* Great Yarmouth Licensing Justices, *Ex parte* Hamilton **(1962) 60 L.G.R. 129, D.C.**

R. v. *Boldero, Ex parte Bognor Regis Urban District Council* (1962) 60 L.G.R. 292, D.C. Applied, Phillips *v.* Berkshire County Council **[1967] 2 Q.B. 991; [1967] 3 W.L.R. 565, D.C.**

R. v. *Borron* (1820) 3 B. & Ald. 432. Considered, R. *v.* Llewellyn-Jones **[1968] 1 Q.B. 429; [1967] 3 W.L.R. 1298, C.A.**

R. v. *Bottomley* (1922) 38 T.L.R. 805; 16 Cr.App.R. 184, C.C.A. Considered, R. *v.* Yule **[1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.**

R. v. *Bowray* (1846) 10 Jur. 211. Applied, R. *v.* Pearce **[1967] 1 Q.B. 150; [1966] 3 W.L.R. 823, C.A.**

R. v. *Boyle & Merchant* [1914] 3 K.B. 339; 30 T.L.R. 521; 10 Cr.App.R. 180, C.C.A. Considered, R. *v.* Clear **[1968] 1 Q.B. 670; [1968] 2 W.L.R. 122, C.A.**

R. v. *Brackenbury (Note)* [1965] 1 W.L.R. 1475; [1965] 1 All E.R. 960. Overruled on one point, R. *v.* Collier; R. *v.* Stenning **[1965] 1 W.L.R. 1470, C.C.A.**

R. v. *Bradford-on-Avon Urban District Council, Ex parte Boulton* [1964] 1 W.L.R. 1136; [1964] 2 All E.R. 492, D.C. Considered, Gregory *v.* Camden London Borough Council [1966] **1 W.L.R. 899**

R. v. *Brickell* (1864) 28 J.P. 359. Considered, Lawrence *v.* Same **[1968] 2 Q.B. 93; [1968] 2 W.L.R. 1062, D.C.**

R. v. *Brighton and Area Rent Tribunal* [1950] 2 K.B. 410; 66 T.L.R. (Pt. 2) 9; [1950] 1 All E.R. 946, D.C. Applied, Crofton Investment Trust Ltd. *v.* Greater London Rent Assessment Committee **[1967] 2 Q.B. 955; [1967] 3 W.L.R. 256, D.C.**; Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon **[1969] 1 Q.B. 577; [1968] 3 W.L.R. 694, C.A.**

R. v. *British Columbia Fir and Cedar Lumber Co. Ltd.* [1932] A.C. 441; 48 T.L.R. 284, P.C. Distinguished, Crabb *v.* Blue Star Line Ltd. **[1961] 1 W.L.R. 1322.** Followed, London and Thames Haven Oil Wharves Ltd. *v.* Attwooll **[1967] Ch. 772; [1967] 2 W.L.R. 743, C.A.**

R. v. *Brown* (1960) 44 Cr.App.R. 181. Applied, **R. *v.* Flynn [1963] 1 Q.B. 729; [1961] 3 W.L.R. 907, C.C.A.**

R. v. *Brown* [1895] 1 Q.B. 119; 11 T.L.R. 54; 18 Cox C.C. 81. Distinguished, R. *v.* Roe **[1967] 1 W.L.R. 634, C.A.**

R. v. *Brown*, The Times, November 12, 1968, C.A. Approved, R. *v.* Ithell **[1969] 1 W.L.R. 272, C.A.**

R. v. *Brush* [1968] 1 W.L.R. 1740; [1968] 3 All E.R. 467, C.A. Distinguished, **R. *v.* Dolan [1969] 1 W.L.R. 1479, C.A.**; R. *v.* Seward **[1970] 1 W.L.R. 323, C.A.** Applied, R. *v.* Forbes (Note) **[1970] R.T.R. 491, C.A.**

R. v. *Bryant & Dixon* (1946) 31 Cr.App.R. 146, C.C.A. Applied, Dallison *v.* Caffery **[1965] 1 Q.B. 348; [1964] 3 W.L.R. 385, C.A.**

R. v. *Buchan* [1964] 1 W.L.R. 365; [1964] 1 All E.R. 502, C.C.A. Considered, R. *v.* Brackenbury (Note) **[1965] 1 W.L.R. 1475**

R. v. *Buck* (1960) 44 Cr.App.R. 213. Considered, R. *v.* Church **[1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, C.C.A.** Approved, R. *v.* Creamer **[1966] 1 Q.B. 72; [1965] 3 W.L.R. 583, C.C.A.**

R. v. *Buddharakkita Thera* (1962) 63 N.L.R. 433. Approved, R. *v.* Ramasamy **[1965] A.C. 1; [1964] 3 W.L.R. 632, P.C.**

R. v. *Bullock* [1955] 1 W.L.R. 1; [1955] 1 All E.R. 15, C.C.A. Distinguished, Thambiah *v.* The Queen **[1966] A.C. 37; [1966] 2 W.L.R. 81, P.C.**

R. v. *Burah* (1878) 3 App.Cas. 889, P.C. Applied, Cobb & Co. Ltd. *v.* Kropp **[1967] 1 A.C. 141; [1966] 3 W.L.R. 416, P.C.**

R. v. *Button; R.* v. *Swain* [1966] A.C. 591; [1965] 2 W.L.R. 992; [1965] 1 All E.R. 964, C.C.A. Decision of the Court of Criminal Appeal affirmed **[1966] A.C. 591; [1965] 3 W.L.R. 1131, H.L.(E.)**

R. v. *Byrne* [1960] 2 Q.B. 396, 403, 404; [1960] 3 W.L.R. 440; [1960] 3 All E.R. 1, C.C.A. Approved, Rose *v.* The Queen **[1961] A.C. 496; [1961] 2 W.L.R. 506, P.C.** Followed, R. *v.* Terry **[1961] 2 Q.B. 314; [1961] 2 W.L.R. 961, C.C.A.** Applied, R. *v.* King **[1965] 1 Q.B. 443; [1964] 3 W.L.R. 980, McNair J. and C.C.A.**; R. *v.* Lloyd **[1967] 1 Q.B. 175; [1966] 2 W.L.R. 13, C.C.A.**

R. v. *Caddy* [1959] 1 W.L.R. 868; [1959] 3 All E.R. 138. Considered, **R. *v.*** Essex Quarter Sessions Appeals Committee, *Ex parte* Larkin **[1962] 1 Q.B. 712; [1961] 3 W.L.R. 1286, D.C.**

R. v. *Camborne Justices, Ex parte Pearce* [1955] 1 Q.B. 41; [1954] 3 W.L.R. 415; [1954] 2 All E.R. 850, D.C. Considered, R. *v.* Consett Justices, *Ex parte* Postal Bingo Ltd. **[1967] 2 Q.B. 9; [1967] 2 W.L.R. 184, D.C.**; Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon **[1969] 1 Q.B. 577; [1968] 3 W.L.R. 694, C.A.** Applied, Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon **[1968] 1 W.L.R. 815, D.C.**

R. v. *Campbell* [1956] 2 Q.B. 432, 439; [1956] 3 W.L.R. 219; [1956] 2 All E.R. 272; 40 Cr. App.R. 95, C.C.A. Dicta not followed, R. *v.* E. **[1964] 1 W.L.R. 671.** Dictum of Lord Goddard doubted, R. *v.* Flack **[1969] 1 W.L.R. 937, C.A.**

R. v. *Carter* [1959] V.R. 105, 111. Dicta of Sholl J. considered, Bratty *v.* Attorney-General for Northern Ireland **[1963] A.C. 386; [1961] 3 W.L.R. 965, H.L.(N.I.)**

R. v. *Caslin* [1961] 1 W.L.R. 59; 45 Cr.App.R. 47; [1961] 1 All E.R. 246, C.C.A. Applied, R. *v.* Smith **[1962] 2 Q.B. 317; [1962] 2 W.L.R. 1145, C.C.A.**

R. v. *Cassidy* (1858) 1 F. & F. 79. Applied, R. *v.* Oliva **[1965] 1 W.L.R. 1028, C.C.A.**

R. v. *Casswell* (1872) L.R. 7 Q.B. 328, D.C. Applied, Oswestry Corpn. *v.* Hudd **[1966] 1 W.L.R. 363, C.A.**

R. v. *Chairman, County of London Quarter Sessions, Ex parte Downes* [1954] 1 Q.B. 1; [1953] 3 W.L.R. 586; [1953] 2 All E.R. 750, D.C. Followed, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Chandor* [1959] 1 Q.B. 545, 549; [1959] 2 W.L.R. 522; [1959] 1 All E.R. 702, C.C.A. Dicta of Lord Parker C.J. applied, R. *v.* Flack **[1969] 1 W.L.R. 937, C.A.**

R. v. *Chandrasekera* (1942) 44 N.L.R. 97. Approved, Jayasena *v.* The Queen **[1970] A.C. 618; [1970] 2 W.L.R. 448, P.C.**

R. v. *Chapman* [1969] 2 Q.B. 436, 440–441; [1969] 2 W.L.R. 1004; [1969] 2 All E.R. 321, C.A. Dictum disapproved, Webber *v.* Carey **[1969] 1 W.L.R. 1351, D.C.; [1970] A.C. 1072; [1969] 3 W.L.R. 1169, H.L.(E.).** Applied, Hirst *v.* Wilson **[1970] 1 W.L.R. 47, D.C.**

R. v. *Chapman, Ex parte Arlidge* [1918] 2 K.B. 298, D.C. Considered, Warwick Rural District Council *v.* Miller-Mead **[1962] Ch. 441; [1962] 2 W.L.R. 284, C.A.**

R. v. *Charlesworth* (1861) 9 Cox C.C. 44. Applied, Director of Public Prosecutions *v.* Nasralla **[1967] 2 A.C. 238; [1967] 3 W.L.R. 13, P.C.**

R. v. *Charlson* [1955] 1 W.L.R. 317; [1955] 1 All E.R. 859; 39 Cr.App.R. 37. Considered, Bratty *v.* Attorney-General for Northern Ireland **[1963] A.C. 386; [1961] 3 W.L.R. 965, H.L.(N.I.)**

R. v. *Cheshire Justices* (1883) 50 L.T. 483, D.C. Applied, R. *v.* Ogden, *Ex parte* Long Ashton Rural District Council **[1963] 1 W.L.R. 274, D.C.**

R. v. *Chisam* (1963) 47 Cr.App.R. 130, C.C.A. Considered, R. *v.* Fennell **[1970] 3 W.L.R. 513, C.A.**

R. v. *Chiswick Police Station Superintendent, Ex parte Sacksteder* [1918] 1 K.B. 578; 34 T.L.R. 279, C.A. Applied, R. *v.* Governor of Brixton Prison, *Ex parte* Soblen **[1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, John Stephenson J. and C.A.**

R. v. *Chitson* [1909] 2 K.B. 945; 25 T.L.R. 818, C.C.A. Considered, Jones *v.* Director of Public Prosecutions **[1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)**

R. v. *Church* [1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220; [1965] 2 All E.R. 72, C.C.A. Considered, R. *v.* Lamb **[1967] 2 Q.B. 981; [1967] 3 W.L.R. 888, C.A.** Explained, R. *v.* Lipman **[1970] 1 Q.B. 152; [1969] 3 W.L.R. 819, C.A.**

R. v. *Church Assembly Legislative Committee, Ex parte Haynes Smith* [1928] 1 K.B. 411, 415; 44 T.L.R. 68, D.C. Dicta of Lord Hewart C.J. considered, Ridge *v.* Baldwin **[1964] A.C. 40; [1963] 2 W.L.R. 935, H.L.(E.)**

R. v. *Churchill* [1965] 1 W.L.R. 1174; [1965] 2 All E.R. 793. Ruling of Thesiger J. approved, R. *v.* Churchill (No. 2) **[1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116, C.C.A.**

R. v. *Churchill (No. 2)* [1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116; [1966] 2 All E.R. 215, C.C.A. Considered, R. *v.* Curr **[1968] 2 Q.B. 944; [1967] 2 W.L.R. 595, C.A.** Decision of the Court of Criminal Appeal reversed **[1967] 2 A.C. 224; [1967] 2 W.L.R. 682, H.L.(E.)**

R. v. *City of London* (1867) L.R. 2 Q.B. 292, 300. Dicta of Blackburn J. approved, Newham London Borough Council *v.* Benjamin **[1968] 1 W.L.R. 694, C.A.**

R. v. *City of Westminster Assessment Committee, Ex parte Grosvenor House (Park Lane) Ltd.* [1941] 1 K.B. 53, 70–71; 57 T.L.R. 57; [1940] 4 All E.R. 132, C.A. Dicta applied. Morecambe and Heysham Corpn. *v.* Robinson **[1961] 1 W.L.R. 373, C.A.**

R. v. *Clay* (1851) 5 Cox C.C. 146. Considered, R. *v.* Bashir **[1969] 1 W.L.R. 1303**

R. v. *Clayton* (1943) 33 Cr.App.R. 113; 65 T.L.R. 329n., C.C.A. Applied, R. *v.* Churchill (No. 2) **[1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116, C.C.A.** Distinguished, R. *v.* Churchill (No. 2) **[1967] 2 A.C. 224; [1967] 2 W.L.R. 682, H.L.(E.)**

R. v. *Clayton and Halsey* [1963] 1 Q.B. 163; [1962] 3 W.L.R. 815; [1962] 3 All E.R. 500, C.C.A. Distinguished, R. *v.* Mayling **[1963] 2 Q.B. 717; [1963] 2 W.L.R. 709, C.C.A**

R. v. *Clayton-Wright* [1948] 2 All E.R. 763, C.C.A. Applied, R. *v.* Kray (Ronald) **[1970] 1 Q.B. 125; [1969] 3 W.L.R. 831, C.A.**

R. v. *Clewer* (1953) 37 Cr.App.R. 37, C.C.A. Considered, R. *v.* Hircock **[1970] 1 Q.B. 67; [1969] 2 W.L.R. 29, C.A.**

R. v. *Clift* (1952) 52 S.R.(N.S.W.) 213. Considered, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**

R. v. *Clow* [1965] 1 Q.B. 598; [1963] 3 W.L.R. 84; [1963] 2 All E.R. 216, C.C.A. Distinguished, Mallon *v.* Allon **[1964] 1 Q.B. 385; [1963] 3 W.L.R. 1053, D.C.**

R. v. *Clynes* (1960) 44 Cr.App.R. 158, C.C.A. Applied, R. *v.* Trigg **[1963] 1 W.L.R. 305, C.C.A.;** R. *v.* O'Reilly **[1967] 2 Q.B. 722; [1967] 3 W.L.R. 191, C.A.**

R. v. *Cockshott* [1898] 1 Q.B. 582, D.C. Followed, R. *v.* Kettering Justices, *Ex parte* Patmore **[1968] 1 W.L.R. 1436, D.C.**

R. v. *Cokar* [1960] 2 Q.B. 207; [1960] 2 W.L.R. 836; [1960] 2 All E.R. 175, C.C.A. Applied, G. (An Infant) *v.* Coltart **[1967] 1 Q.B. 432; [1967] 2 W.L.R. 333, D.C.**

R. v. *Cole* [1965] 2 Q.B. 388; [1965] 3 W.L.R. 263; [1965] 2 All E.R. 29, C.C.A. Distinguished, R. *v.* Hazeltine **[1967] 2 Q.B. 857; [1967] 3 W.L.R. 209, C.A.**

R. v. *Collins* [1947] K.B. 560; 63 T.L.R. 90; [1947] 1 All E.R. 147, C.C.A. Followed, R. *v.* Williams **[1962] 1 W.L.R. 1268, C.C.A.** Dictum applied, R. *v.* Jones (Robert) **[1970] 1 W.L.R. 1494, C.A.**

R. v. *Comptroller-General of Patents, Ex parte Muntz* (1922) 39 R.P.C. 335, D.C. Considered, R. *v.* Patents Appeal Tribunal, *Ex parte* Swift & Co. **[1962] 2 Q.B. 647; [1962] 2 W.L.R. 897, D.C.**

R. v. *Comr. of Metropolitan Police, Ex parte Blackburn* [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893; [1968] 1 All E.R. 763, C.A. Considered, Victoria Sporting Club Ltd. *v.* Hannam **[1970] A.C. 55; [1969] 2 W.L.R. 13, D.C.**

R. v. *Comr. of Metropolitan Police, Ex parte Nalder* [1948] 1 K.B. 251; 63 T.L.R. 591; [1947] 2 All E.R. 611, D.C. Explained, R. *v.* Metropolitan Police Comr., *Ex parte* Hammond **[1964] 2 Q.B. 385; [1964] 2 W.L.R. 777, D.C.**

R. v. *Coney* (1882) 8 Q.B.D. 534, 539, 552. Dicta of Cave and Lopes JJ. applied, R. *v.* Allan **[1965] 1 Q.B. 130; [1963] 3 W.L.R. 677, C.C.A.** Considered, Lane *v.* Holloway **[1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003, C.A.**

R. v. *Consett Justices, Ex parte Consett Iron Co. Ltd.*, The Times, May 14, 1960. Followed, Hudson *v.* Hudson **[1966] 1 W.L.R. 567, D.C.**

R. v. *Cook* [1959] 2 Q.B. 340; [1959] 2 W.L.R. 616; [1959] 2 All E.R. 97, C.C.A. Applied, R. *v.* Flynn **[1963] 1 Q.B. 729; [1961] 3 W.L.R. 907, C.C.A.;** R. *v.* Selvey **[1968] 1 Q.B. 706; [1967] 3 W.L.R. 1637, C.A.; [1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.).** Considered, R. *v.* Richardson **[1969] 1 Q.B. 299; [1968] 3 W.L.R. 15, C.A.**

R. v. *Cooper and Compton* (1947) 63 T.L.R. 561; [1947] 2 All E.R. 701; 32 Cr.App.R. 102, C.C.A. Distinguished, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**

R. v. *Cornwall Quarter Sessions, Ex parte Kerley* [1956] 1 W.L.R. 906; [1956] 2 All E.R. 872, D.C. Explained, R. *v.* Birmingham City Justice, *Ex parte* Chris Foreign Foods (Wholesalers) Ltd. **[1970] 1 W.L.R. 1428, D.C.**

R. v. *Corr*, The Times, January 16, 1970, C.A. Not followed, R. *v.* Newsome **[1970] 2 Q.B. 711; [1970] 3 W.L.R. 586, C.A.**

R. v. *Corray* (1926) 28 N.L.R. 74. Dictum of Garvin A.C.J. approved, Anandagoda *v.* The Queen **[1962] 1 W.L.R. 817, P.C.**

R. v. *Corrigan* [1931] 1 K.B. 527; 47 T.L.R. 27, C.C.A. Considered, R. *v.* Aubrey-Fletcher, *Ex parte* Ross-Munro **[1968] 1 Q.B. 620; [1968] 2 W.L.R. 23, D.C.**

R. v. *Cotham* [1898] 1 Q.B. 802; 14 T.L.R. 367, D.C. Applied, R. *v.* Great Yarmouth Licensing Justices, *Ex parte* Hamilton **(1962) 60 L.G.R. 129, D.C.**

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R. v. *Creasy* (1953) 37 Cr.App.R. 179, C.C.A. Considered, Shoukatallie *v.* The Queen **[1962] A.C. 81; [1961] 3 W.L.R. 1021, P.C.**

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R. v. *Derbyshire Justices* (1766) 1 Black W 605. Distinguished, R. *v.* Registrar General, *Ex parte* Segerdal **[1970] 2 Q.B. 697; [1970] 3 W.L.R. 479, C.A.**

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R. v. *Dickinson and De Rable* (1948) 33 Cr.App.R. 5, 9, C.C.A. Dictum of Pritchard J. applied, Morgan *v.* Director of Public Prosecutions **[1970] 3 All E.R. 1053, D.C.**

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R. v. *Duke* [1963] 1 Q.B. 120; [1961] 3 W.L.R. 1194; 46 Cr.App.R. 42; [1961] 3 All E.R. 737, C.C.A. Applied, R. *v.* Price **[1963] 2 Q.B. 1; [1962] 3 W.L.R. 1308**

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R. v. *Durrant* [1970] 1 W.L.R. 29; [1969] 3 All E.R. 1357; [1970] R.T.R. 420, C.A. Followed, R. *v.* Hamilton **[1970] R.T.R. 417; [1970] 3 All E.R. 284, C.A.**

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R. v. *Franklin* (1883) 15 Cox C.C. 163. Considered, R. *v.* Church **[1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, C.C.A.;** R. *v.* Lamb **[1967] 2 Q.B. 981; [1967] 3 W.L.R. 888, C.A.**

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R. v. *Grant* (1936) 100 J.P. 324, C.C.A. Applied, R. *v.* GUEST, *Ex parte* ANTHONY **[1964] 1 W.L.R. 1273, D.C.**

R. v. *Grant* [1936] 2 All E.R. 1156, C.C.A. Considered, S. (AN INFANT) *v.* RECORDER OF MANCHESTER **[1970] 2 W.L.R. 21, H.L.(E.)**

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R. v. *Gray* [1900] 2 Q.B. 36; 16 T.L.R. 305, D.C. Distinguished, *In re* ATTORNEY-GENERAL'S APPLICATION (1962) **L.R. 3 R.P. 1; [1962] 1 Q.B. 534; [1962] 2 W.L.R. 70, R.P.Ct. (E. & W.)**

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R. v. *Greatbanks* [1959] Crim.L.R. 450. Considered, R. *v.* BASHIR **[1969] 1 W.L.R. 1303**

R. v. *Guest, Ex parte Anthony* [1964] 1 W.L.R. 1273; [1964] 3 All E.R. 385, D.C. Considered, R. *v.* BLANDFORD JUSTICES, *Ex parte* G. (AN INFANT) **[1967] 1 Q.B. 82; [1966] 2 W.L.R. 1232, D.C.** Overruled, S. (AN INFANT) *v.* RECORDER OF MANCHESTER **[1970] 2 W.L.R. 21, H.L.(E.)**

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R. v. *Hall* [1891] 1 Q.B. 747. Applied, RATHBONE *v.* BUNDOCK **[1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066, D.C.**

R. v. *Hall* [1952] 1 K.B. 302; [1951] 2 T.L.R. 1264; [1952] 1 All E.R. 66, C.C.A. Considered, R. *v.* FITZPATRICK **[1963] 1 W.L.R. 7, C.C.A.**

R. v. *Hall* (1961) 45 Cr.App.R. 366, C.C.A. Considered, R. *v.* CHURCH **[1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, C.C.A.**

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R. v. *Hammersmith Superintendent Registrar of Marriages, Ex parte Mir-Anwaruddin* [1917] 1 K.B. 634; 33 T.L.R. 78, C.A. Distinguished, RUSS (ORSE. GEFFERS) *v.* RUSS **[1963] P. 87; [1962] 2 W.L.R. 708; [1964] P. 315; [1962] 3 W.L.R. 930, C.A.**

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R. v. *Harrington* (1864) 9 L.T. 721. Considered, ROBINSON *v.* WILLIAMS **[1965] 1 Q.B. 89; [1964] 3 W.L.R. 563, D.C.**

R. v. *Harris* [1927] 2 K.B. 587; 43 T.L.R. 774, C.C.A. Considered, R. *v.* OLIVA **[1965] 1 W.L.R. 1028, C.C.A.** Applied, R. *v.* CLEGHORN **[1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421, C.A.** Distinguished, R. *v.* TREGEAR **[1967] 2 Q.B. 574; [1967] 2 W.L.R. 1414, C.A.**

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R. v. *Harvey* (1869) 11 Cox C.C. 546. Considered, R. *v.* O'SULLIVAN **[1969] 1 W.L.R. 497, C.A.**

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R. v. *Hawkins* (1808) 10 East 211. Considered, *In re* PARLIAMENTARY ELECTION FOR BRISTOL SOUTH EAST **[1964] 2 Q.B. 257; [1961] 3 W.L.R. 577, Election Ct.**

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R. v. *Hempstead and Hudson* (1818) Russ. & Ry. 344. Applied, R. *v.* SCARAMANGA **[1963] 2 Q.B. 807; [1963] 3 W.L.R. 320, C.C.A.**

R. v. *Hench* (1810) Russ. & R. 163. Applied, R. *v.* SUTTON **[1966] 1 W.L.R. 236, C.C.A.**

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R. v. *Henry and Taunton* (1839) 2 Mood.C.C. 118. Considered, R. *v.* POLLOCK **[1967] 2 Q.B. 195; [1966] 2 W.L.R. 1145, C.C.A.**

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R. v. *Horne* (1778) 2 Cowp. 672, H.L.(E.). Considered, Grubb *v.* Bristol United Press Ltd. **[1963] 1 Q.B. 309; [1962] 3 W.L.R. 25, C.A.**; Loughans *v.* Odhams Press Ltd. **[1963] 1 Q.B. 299; [1962] 2 W.L.R. 692, C.A.**

R. v. *Howell* (1864) 4 F. & F. 160. Approved, Shaw *v.* Director of Public Prosecutions **[1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)**

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R. v. *Hudson* [1912] 2 K.B. 464; 28 T.L.R. 459, C.C.A. Applied, R. *v.* Selvey **[1968] 1 Q.B. 706; [1967] 3 W.L.R. 1637, C.A.; [1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.)**

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R. v. *Industrial Injuries Comr., Ex parte Cable* [1967] 2 Q.B. 429; [1967] 2 W.L.R. 1298; [1967] 2 All E.R. 119; 2 K.I.R. 165, D.C. Decision of the Divisional Court reversed **[1968] 1 Q.B. 729; [1968] 2 W.L.R. 1, C.A.** Dictum of Diplock L.J. applied, R. *v.* Industrial Injuries Comr., *Ex parte* Howarth **(1968) 66 L.G.R. 621, C.A.** Considered, R. *v.* National Insurance Comr., *Ex parte* Jones **[1970] 1 Q.B. 477; [1969] 2 W.L.R. 647, D.C.**

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R. v. *Inhabitants of the Township of Hartington Middle Quarter* (1855) 4 E. & B. 780. Considered, Carl Zeiss Stiftung *v.* Rayner & Keeler Ltd. (No. 2) **[1967] 1 A.C. 853; [1966] 3 W.L.R. 125, H.L.(E.)**

R. v. *Inhabitants of Wandsworth* (1817) 1 B. & Ald. 63. Distinguished, R. *v.* Andrews, *Ex parte* Cheshunt Urban District Council **(1962) 60 L.G.R. 211, D.C.**

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R. v. *Ithell* [1969] 1 W.L.R. 272; [1969] 2 All E.R. 449, C.A. Applied, R. *v.* Barrett **[1969] 1 W.L.R. 1336, C.A.**; R. *v.* Moylan **[1970] 1 Q.B. 143; [1969] 3 W.L.R. 814, C.A.**

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R. v. *Jeffries* [1969] 1 Q.B. 120; [1968] 3 W.L.R. 830; [1968] 3 All E.R. 238, C.A. Applied, R. *v.* Collins **[1970] 1 Q.B. 710; [1970] 2 W.L.R. 68, C.A.**

R v. *Jenkins* (1945) 31 Cr.App.R. 1, C.C.A. Applied, R. *v.* Selvey **[1968] 2 W.L.R. 1494, H.L.(E.)**

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R. v. *Jones* [1918] 1 K.B. 416; 13 Cr.App.R. 86, C.C.A. Rule no longer in force, Practice Direction (Homicide: Indictment) **[1964] 1 W.L.R. 1244, C.C.A.** Rule of practice disapproved, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Jones* [1962] A.C. 635; [1962] 2 W.L.R. 575; [1962] 1 All E.R. 569, H.L.(E.). Considered, Malindi *v.* The Queen **[1967] 1 A.C. 439; [1966] 3 W.L.R. 913, P.C.**

R. v. *Jones, Ex parte Daunton* [1963] 1 W.L.R. 270; [1963] 1 All E.R. 368, D.C. Dictum of Lord Parker C.J. applied, R. *v.* Leicester Justices, *Ex parte* Workman **[1964] 1 W.L.R. 707, D.C.**

R. v. *Jones, Ex parte Moore* [1965] Crim.L.R. 222, D.C. Considered, Campbell *v.* Tormey **[1969] 1 W.L.R. 189, D.C.**

R. v. *Jones, Ex parte Thomas* [1921] 1 Q.B. 632; 37 T.L.R. 299. Applied, R. *v.* Clow **[1965] 1 Q.B. 598; [1963] 3 W.L.R. 84, D.C.**

R. v. *Jones (E. J. M.)* [1970] 1 W.L.R. 211; [1970] 1 All E.R. 209; [1970] R.T.R. 56, C.A. Followed, Sasson *v.* Taverner **[1970] 1 W.L.R. 338, D.C.** Considered, R. *v.* Way **[1970] R.T.R. 348, Ct.-M.A.C.**

R. v. *Joyce* [1958] 1 W.L.R. 140; [1957] 3 All E.R. 623. Distinguished, R. *v.* Harz; R. *v.* Power **[1967] 1 A.C. 760; [1966] 3 W.L.R. 1241, C.C.A.; [1967] 1 A.C. 760; [1967] 2 W.L.R. 297, H.L.(E.)**

R. v. *Judge Dutton Briant, Ex parte Abbey National Building Society* [1957] 2 Q.B. 497; [1957] 3 W.L.R. 249; [1957] 2 All E.R. 625, D.C. Approved, West Penwith Rural District Council *v.* Gunnell **[1968] 1 W.L.R. 1153, C.A.**

R. v. *Kalu Banda* (1912) 15 N.L.R. 422, 425. Dictum of Lascelles C.J. disapproved, Anandagoda *v.* The Queen **[1962] 1 W.L.R. 817, P.C.**

R. v. *Kelly (Francis William)* [1970] 1 W.L.R. 1050; [1970] 2 All E.R. 198; [1970] R.T.R. 301, C.A. Applied, R. *v.* Garforth **[1970] R.T.R. 415, C.A.**

R. v. *Kemp* [1957] 1 Q.B. 399; [1956] 3 W.L.R. 724; [1956] 3 All E.R. 249; 40 Cr.App.R. 121. Considered, Bratty *v.* Attorney-General for Northern Ireland **[1963] A.C. 386; [1961] 3 W.L.R. 965, H.L.(N.I.)**

R. v. *Kendrick and Smith* (1930) 144 L.T. 748, C.C.A. Considered, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Kennaway* [1917] 1 K.B. 25, C.C.A. Considered, Jones *v.* Director of Public Prosecutions **[1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)**

R. v. *Kennedy* [1893] 1 Q.B. 533, D.C. Distinguished, Square Grip Reinforcement Co. (London) Ltd. *v.* Rowton Houses Ltd. **[1967] Ch. 877; [1967] 2 W.L.R. 160**

R. v. *Kent Justices, Ex parte Crittenden* [1964] 1 Q.B. 144; [1963] 2 W.L.R. 1124; [1963] 2 All E.R. 245, D.C. Distinguished, Hartnell *v.* Minister of Housing and Local Government **[1963] 1 W.L.R. 1141.** Considered, Esdell Caravan Parks Ltd. *v.* Hemel Hempstead Rural District Council **[1966] 1 Q.B. 895; [1965] 3 W.L.R. 1238, D.C. and C.A.**

R. v. *Kent Justices, Ex parte Lye* [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765; [1967] 1 All E.R. 560, D.C. Approved, Post Office *v.* Estuary Radio Ltd. **[1968] 2 Q.B. 740; [1967] 1 W.L.R. 1396, C.A.**

R. v. *King* [1897] 1 Q.B. 214; 13 T.L.R. 27; 18 Cox C.C. 447. Considered, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *King* [1964] 1 Q.B. 285; [1963] 3 W.L.R. 892; [1963] 3 All E.R. 561, C.C.A. Considered, Hawkins *v.* Attorney-General **[1966] 1 W.L.R. 978**; R. *v.* Gould **[1968] 2 Q.B. 65; [1968] 2 W.L.R. 643, C.A.**

R. v. *King (Dennis Arthur)* [1967] 2 Q.B. 338; [1967] 2 W.L.R. 612; [1967] 1 All E.R. 379, C.A. Distinguished, R. *v.* Horwood **[1970] 1 Q.B. 133; [1969] 3 W.L.R. 964, C.A.**

R. v. *King (Herman)* (1968) 52 Cr.App.R. 353, C.A. Considered, R. *v.* Keeton **(1970) 54 Cr. App.R. 267, C.A.**

R. v. *King-Jones and Gladdy* [1966] 1 W.L.R. 1077. Overruled, R. *v.* Skivington **[1968] 1 Q.B. 166; [1967] 2 W.L.R. 665, C.A.**

R. v. *Kingston* (1948) 32 Cr.App.R. 183, C.C.A. Distinguished, R. *v.* Howes **[1964] 2 Q.B. 459; [1964] 1 W.L.R. 576, C.C.A.** Considered, R. *v.* Sowden **[1964] 1 W.L.R. 1454, C.C.A.**

R. v. *Knewland and Wood* (1796) 2 Leach 721. Considered, R. *v.* Pollock **[1967] 2 Q.B. 195; [1966] 2 W.L.R. 1145, C.C.A.**

R. v. *Kohn* (1864) 4 F. & F. 68. Distinguished, R. *v.* Cox (Peter Stanley) **[1968] 1 W.L.R. 88, C.A.**

R. v. *Kritz* [1950] 1 K.B. 82, 89; [1949] 2 All E.R. 406, C.C.A. Dictum of Lord Goddard C.J. approved, Walters *v.* The Queen **[1969] 2 A.C. 26; [1969] 2 W.L.R. 60, P.C.**

R. v. *Kupferberg* (1918) 34 T.L.R. 587; 13 Cr.App.R. 166, C.C.A. Considered, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.).** Distinguished, Mohan *v.* The Queen **[1967] 2 A.C. 187; [1967] 2 W.L.R. 676, P.C.**

R. v. *Kurasch* [1915] 2 K.B. 749, C.C.A. Considered, Jones *v.* Director of Public Prosecutions **[1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)**

R. v. *Laker* (1949) 34 Cr.App.R. 30. Considered, Fisher *v.* Raven **[1964] A.C. 210; [1963] 2 W.L.R. 1137, C.C.A. and H.L.(E.)**

R. v. *Lamb* [1967] 2 Q.B. 981; [1967] 3 W.L.R. 888; [1967] 2 All E.R. 1282, C.A. Distinguished, R. *v.* Lipman **[1970] 1 Q.B. 152; [1969] 3 W.L.R. 819, C.A.**

R. v. *Lambeth County Court Judge and Jonas* (1887) 36 W.R. 475; 4 T.L.R. 158, D.C. Applied, McIlraith *v.* Grady **[1968] 1 Q.B. 468; [1967] 3 W.L.R. 1331, C.A.**

R. v. *Lanyon* (1872) 27 L.T. 355. Applied, Jolliffe *v.* Jolliffe **[1965] P. 6; [1964] 2 W.L.R. 13, D.C.**

R. v. *Large* (1939) 55 T.L.R. 470; 27 Cr.App.R. 65; [1939] 1 All E.R. 753, C.C.A. Rule of practice no longer in force, Practice Direction (Homicide: Indictment) **[1964] 1 W.L.R. 1244, C.C.A.** Rule of practice disapproved, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Larkin* [1943] K.B. 174; 59 T.L.R. 105; [1943] 1 All E.R. 217, C.C.A. Considered, R. *v.* Church **[1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, C.C.A.** Distinguished, R. *v.* Healey **[1965] 1 W.L.R. 1059, C.C.A.** Applied, R. *v.* Black (Practice Note) **[1963] 1 W.L.R. 1311, C.C.A.**; Gray *v.* Barr **[1970] 2 Q.B. 626; [1970] 3 W.L.R. 108**

R. v. *Larsonneux* (1933) 24 Cr.App.R. 74, C.C.A. Considered, R. *v.* Secretary of State for Home Affairs, *Ex parte* Soblen **[1963] 1 Q.B. 829; [1962] 3 W.L.R. 1145, D.C.**

R. v. *Latham, Ex parte Roberts* (1943) 41 L.G.R. 99, 100, D.C. Dictum of Lord Caldecote C.J. not followed, R. *v.* Kettering Justices, *Ex parte* Patmore **[1968] 1 W.L.R. 1436, D.C.**

R. v. *Lawrence* [1968] 1 W.L.R. 341; [1968] 1 All E.R. 579, C.A. Distinguished, R. *v.* Nixon **[1968] 1 W.L.R. 577, C.A.**

R. v. *Lee Kun* [1916] 1 K.B. 337; 32 T.L.R. 225. Distinguished, In the Estate of Fuld, decd. (No. 2) **[1965] 1 W.L.R. 1336**

R. v. *Leigh and Harrison* [1966] 1 All E.R. 687n. Overruled, R. *v.* Assim **[1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.**

R. v. *Leinster (Duke)* [1924] 1 K.B. 311; 40 T.L.R. 33, C.C.A. Upheld, R. *v.* Salter **[1968] 2 Q.B. 793; [1968] 3 W.L.R. 39, C.A.**

R. v. *Leman Street Police Station Inspector, Ex parte Venicoff* [1920] 3 K.B. 72; 36 T.L.R. 677, D.C. Approved, R. *v.* Governor of Brixton Prison, *Ex parte* Soblen **[1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, John Stephenson J. and C.A.** Applied, Schmidt *v.* Secretary of State for Home Affairs **[1969] 2 Ch. 149; [1969] 2 W.L.R. 337, Ungoed-Thomas J. and C.A.**

R. v. *Leonard* (1964) 108 S.J. 425, C.C.A. Applied, R. *v.* Hughes **[1968] 1 W.L.R. 560, C.A.**

R. v. *Lewis* [1965] Crim.L.R. 121, C.C.A. Applied, R. *v.* Churchill (No. 2) **[1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116, C.C.A.**

R. v. *Lightfoot* (1856) 25 L.J.M.C. 115. Applied, S. *v.* E. **[1967] 1 Q.B. 367; [1967] 2 W.L.R. 704**

R. v. *Lillyman* [1896] 2 Q.B. 167; 12 T.L.R. 473. Considered, Sparks *v.* The Queen **[1964] A.C. 964; [1964] 2 W.L.R. 566, P.C.**

R. v. *List* [1966] 1 W.L.R. 9; [1965] 3 All E.R. 710. Approved, R. *v.* Herron **[1967] 1 Q.B. 107; [1966] 3 W.L.R. 374, C.C.A.**

R. v. *Liverpool Justices, Ex parte Roberts* [1960] 1 W.L.R. 585; [1960] 2 All E.R. 384n., D.C. Considered, R. *v.* Bournemouth Licensing Justices, *Ex parte* Maggs **[1963] 1 W.L.R. 320, D.C.**

R. v. *Lobell* [1957] 1 Q.B. 547; [1957] 2 W.L.R. 524; [1957] 1 All E.R. 734, C.C.A. Applied, R. *v.* Johnson **[1961] 1 W.L.R. 1478, C.C.A.**

R. v. *Local Government Board, Ex parte* Arlidge [1915] A.C. 120; 30 T.L.R. 672, H.L.(E.). Applied, Jeffs *v.* New Zealand Dairy Production and Marketing Board **[1967] 1 A.C. 551; [1967] 2 W.L.R. 136, P.C.**

R. v. *Lockett* [1914] 2 K.B. 720, 731; 30 T.L.R. 233, C.A. Dictum of Isaacs J. considered, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Lomas* (1913) 30 T.L.R. 125; 9 Cr.App.R. 220, C.C.A. Distinguished, Thambiah *v.* The Queen **[1966] A.C. 37; [1966] 2 W.L.R. 81, P.C.**

R. v. *London Corpn.* (1790) 4 Term Rep. 21, 26. Dicta of Lord Kenyon C.J. applied, Solihull Corpn. *v.* Gas Council **[1961] 1 W.L.R. 619, C.A.**

R. v. *London County Quarter Sessions, Ex parte Downes* [1954] 1 Q.B. 1; [1953] 3 W.L.R. 586; [1953] 2 All E.R. 750; 36 Cr.App.R. 188, D.C. Followed, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; R. *v.* Inner London Quarter Sessions, *Ex parte* Metropolitan Police Commr. **[1970] 2 Q.B. 80; [1970] 2 W.L.R. 95, D.C.** Considered, R. *v.* McDonnell **[1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138**

R. v. *London County Quarter Sessions Appeals Committee, Ex parte Rossi* [1956] 1 Q.B. 682; [1956] 2 W.L.R. 800; [1956] 1 All E.R. 670, C.A. Applied, Hosier *v.* Goodall **[1962] 2 Q.B. 401; [1962] 2 W.L.R. 157, D.C.**; R. *v.* Industrial Tribunal, *Ex parte* George Green and Thomson Ltd. **(1967) 2 K.I.R. 259, D.C.**; Hewitt *v.* Leicester Corpn. **[1969] 1 W.L.R. 855, C.A.** Distinguished, Moody *v.* Godstone Rural District Council **[1966] 1 W.L.R. 1085, D.C.**; Cooper *v.* Scott-Farnell **[1969] 1 W.L.R. 120.** Considered, White *v.* Weston **[1968] 2 Q.B. 647; [1968] 2 W.L.R. 1459, C.A.**

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R. v. *Longstreeth* (*Note*) [1960] 1 W.L.R. 812; [1960] 2 All E.R. 864. Distinguished, R. *v.* Amos **[1961] 1 W.L.R. 308, C.C.A.**

R. v. *Louw* [1904] A.C. 412; 20 T.L.R. 572, P.C. Distinguished, Australian Consolidated Press Ltd. *v.* Uren **[1969] 1 A.C. 590; [1967] 3 W.L.R. 1338, P.C.**

R. v. *Lower Heyford, Inhabitants of* (1830) 1 B. & Ad. 75. Dicta of Parke B. applied, Coward *v.* Motor Insurers' Bureau **[1963] 1 Q.B. 259; [1962] 2 W.L.R. 663, C.A.**

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R. v. *Lynch and Jones* [1898] 1 Q.B. 61. Distinguished, The Tojo Maru **[1970] P. 21; [1969] 2 W.L.R. 594**

R. v. *McAloon* [1959] O.R. 441. Approved, Chan Wei Keung *v.* The Queen **[1967] 2 A.C. 160; [1967] 2 W.L.R. 552, P.C.**

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R. v. *McCarthy* [1967] 1 Q.B. 68; [1966] 2 W.L.R. 555; [1966] 1 All E.R. 447, C.C.A. Considered, R. *v.* Webb **[1969] 2 Q.B. 278; [1969] 2 W.L.R. 1088, C.A.**

R. v. *McMahon* (1933) 24 Cr.App.R. 95. Distinguished, R. *v.* Tregear **[1967] 2 Q.B. 574; [1967] 2 W.L.R. 1414, C.A.**

R. v. *MacKenzie and Higginson* (1910) 6 Cr.App.R. 64. Considered, R. *v.* Johnson (Gerald) **[1964] 2 Q.B. 404; [1963] 3 W.L.R. 1031, C.C.A.**

R. v. *Mackinnon* [1959] 1 Q.B. 150; [1958] 3 W.L.R. 688; [1958] 3 All E.R. 657. Not followed, R. *v.* Grunwald **[1963] 1 Q.B. 935; [1961] 2 W.L.R. 606**

R. v. *Macklin* (1850) 5 Cox C.C. 216. Applied, Stamp *v.* United Dominions Trust (Commercial) Ltd. **[1967] 1 Q.B. 418; [1967] 2 W.L.R. 541, D.C.**

R. v. *McPherson* (1957) 41 Cr.App.R. 213, C.C.A. Applied, R. *v.* Cascoe **[1970] 2 All E.R. 833; 54 Cr.App.R. 401, C.A.**

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R. v. *Madan* [1961] 2 Q.B. 1; [1961] 2 W.L.R. 231; [1961] 1 All E.R. 588, C.C.A. Applied, Empson *v.* Smith **[1966] 1 Q.B. 426; [1965] 3 W.L.R. 380, C.A.**

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R. v. *Manley* [1933] 1 K.B. 529, C.C.A. Considered, R. *v.* Bhagwan **[1970] 3 W.L.R. 501, H.L.(E.)**

R. v. *Manning* (unreported), May 19, 1961, C.C.A. Applied, R. *v.* Johnson **[1961] 1 W.L.R. 1478, C.C.A.**

R. v. *Manser* (1934) 25 Cr.App.R. 18, C.C.A. Explained, R. *v.* E. **[1964] 1 W.L.R. 671**

R. v. *Maqsud Ali* [1966] 1 Q.B. 688; [1965] 3 W.L.R. 229; [1965] 2 All E.R. 464, C.C.A. Applied, The Statue of Liberty **[1968] 1 W.L.R. 739**

R. v. *Marsham, Ex parte Pethick Lawrence* [1912] 2 K.B. 362; 28 T.L.R. 391, D.C. Applied, R. *v.* West **[1964] 1 Q.B. 15; [1962] 3 W.L.R. 218, C.C.A.** Considered, R. *v.* Essex Justices, *Ex parte* Final [1963] 2 Q.B. 816; **[1963] 2 W.L.R. 38, D.C.**

R. v. *Martin* (1848) 5 Cox C.C. 356. Distinguished, *In re* Attorney-General's Application **(1962) L.R. 3 R.P. 1; [1962] 1 Q.B. 534; [1962] 2 W.L.R. 70, R.P.Ct.(E. & W.).** Applied, Attorney-General *v.* Butterworth **(1963) L.R. 3 R.P. 327; [1963] 1 Q.B. 696; [1962] 3 W.L.R. 819, C.A.**

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R. v. *Maylam* (unreported), February 27, 1970, C.A. Not followed, R. *v.* Newsome **[1970] 2 Q.B. 711; [1970] 3 W.L.R. 586, C.A.**

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R. v. *Meek* (1966) 110 S.J. 867, C.A. Applied, R. *v.* Plain **[1967] 1 W.L.R. 565, C.A.**

R. v. *Messingham* (1830) Mood.C.C. 257. Distinguished, R. *v.* Scaramanga **[1963] 2 Q.B. 807; [1963] 3 W.L.R. 320, C.C.A.**

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R. v. *Meyrick* (1929) 45 T.L.R. 421; 21 Cr.App.R. 94, C.C.A. Distinguished, R. *v.* Griffiths **[1966] 1 Q.B. 589; [1965] 3 W.L.R. 405, C.C.A.**

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R. v. *Middleton* (1873) L.R. 2 C.C.R. 38. Distinguished, Lacis *v.* Cashmarts **[1969] 2 Q.B. 400; [1969] 2 W.L.R. 329, D.C.**

R. v. *Miles* (1890) 24 Q.B.D. 423; 6 T.L.R. 186. Considered, Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

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R. v. *Millis* (1844) 10 Cl. & Fin. 534, H.L.(I.). Not followed, Merker *v.* Merker **[1963] P. 283; [1962] 3 W.L.R. 1389**

R. v. *Mills* [1939] 2 K.B. 90; 55 T.L.R. 590; [1939] 2 All E.R. 299, C.A. Considered, Shoukatallie *v.* The Queen **[1962] A.C. 81; [1961] 3 W.L.R. 1021, P.C.**

R. v. *Mills* [1962] 1 W.L.R. 1152; [1962] 3 All E.R. 298; 46 Cr.App.R. 336, C.C.A. Considered, *R.* *v.* Maqsud Ali **[1966] 1 Q.B. 688; [1965] 3 W.L.R. 229, C.C.A.** Applied, R. *v.* Stewart **[1970] 1 W.L.R. 907, C.A.**

R. v. *Minister of Health* [1939] 1 K.B. 232; [1938] 4 All E.R. 32, C.A. Considered, Anisminic Ltd. *v.* Foreign Compensation Commission **[1969] 2 A.C. 147; [1969] 2 W.L.R. 163, H.L.(E.)**

R. v. *Minister of Health, Ex parte Waterlow & Sons Ltd.* [1946] K.B. 485; [1946] 2 All E.R. 189, D.C. Distinguished, Central Electricity Generating Board *v.* Dunning **[1970] Ch. 643; [1970] 2 W.L.R. 668**

R. v. *Mitten* [1966] 1 Q.B. 10; [1965] 3 W.L.R. 268; [1965] 2 All E.R. 59, C.C.A. Distinguished, R. *v.* Brush **[1968] 1 W.L.R. 1740, C.A.**

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R. v. *Mondon* (1968) 52 Cr.App.R. 695, C.A. Distinguished, R. *v.* Pink **[1970] 3 W.L.R. 903, C.A.**

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R. v. *Morris* [1951] 1 K.B. 394, 396, 397, 399; 66 T.L.R. (Pt. 2) 1050; [1950] 2 All E.R. 965, C.C.A. Considered, R. *v.* Sykes **[1961] 2 Q.B. 9; [1961] 2 W.L.R. 392, C.C.A.** Dicta of Lord Goddard C.J. considered, R. *v.* Boal **[1965] 1 Q.B. 402; [1964] 3 W.L.R. 593, C.C.A.** Observations of Lord Goddard approved, Verrier *v.* Director of Public Prosecutions **[1967] 2 A.C. 195; [1966] 3 W.L.R. 924, H.L.(E.)**

R. v. *Morris* [1961] 2 Q.B. 237; [1961] 2 W.L.R. 986; [1961] 2 All E.R. 672, C.C.A. Distinguished, R. *v.* Cox (Maurice) **[1968] 1 W.L.R. 308, C.A.**

R. v. *Moss* (1856) 7 Cox C.C. 200; 1 Dears. & B. 104. Considered, R. *v.* Harris **[1963] 2 Q.B. 442; [1963] 2 W.L.R. 851, C.C.A.**

R. v. *Moylan* [1970] 1 Q.B. 143; [1969] 3 W.L.R. 814; [1969] 3 All E.R. 783; 53 Cr.App.R. 590, C.A. Considered, R. *v.* Saunders **(1970) 54 Cr.App.R. 247, C.A.**

R. v. *Murphy* [1965] N.I. 138, Ct.-M.A.C. Applied, Sneddon *v.* Stevenson **[1967] 1 W.L.R. 1051, D.C.**

R. v. *Murray* [1951] 1 K.B. 391; 66 T.L.R. (Pt. 2) 1007; [1950] 2 All E.R. 925, C.C.A. Approved, Chan Wei Keung *v.* The Queen **[1967] 2 A.C. 160; [1967] 2 W.L.R. 552, P.C.**

R. v. *National Insurance Comr., Ex parte Hudson* [1970] 1 Q.B. 477; [1969] 2 W.L.R. 639; [1969] 2 All E.R. 631, D.C. Considered, R. *v.* National Insurance Comr., *Ex parte* Jones **[1970] 1 Q.B. 477; [1969] 2 W.L.R. 647, D.C.**

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R. v. *Newland* [1954] 1 Q.B. 158; [1953] 3 W.L.R. 826; [1953] 2 All E.R. 1067, C.C.A. Considered, Shaw *v.* Director of Public Prosecutions **[1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)**; R. *v.* Fountain (Note) **[1966] 1 W.L.R. 212**; R. *v.* Bhagwan **[1970] 3 W.L.R. 501, H.L.(E.)**

R. v. *Nixon (John)* [1969] 1 W.L.R. 1055; [1969] 2 All E.R. 688, C.A. Considered, Smith *v.* Cole **[1970] R.T.R. 459, D.C.**

R. v. *Norfolk Justices, Ex parte Director of Public Prosecutions* [1950] 2 K.B. 558, 569; [1950] 2 All E.R. 42, D.C. Observations of Lord Goddard C.J. applied, S. (An Infant) *v.* Recorder of Manchester **[1970] 2 W.L.R. 21, H.L.(E.)**

R. v. *North Eastern Railway Co.* (1901) 70 L.J.K.B. 548, D.C. Applied, R. *v.* Andrews, *Ex parte* Cheshunt Urban District Council **(1962) 60 L.G.R. 211, D.C.**

R. v. *Northam* (1967) 52 Cr.App.R. 97, C.A. Applied, R. *v.* Zaveckas **[1970] 1 W.L.R. 516, C.A.**

R. v. *Norton* (1838) 8 C. & P. 671. Considered, R. *v.* Pollock **[1967] 2 Q.B. 195; [1966] 2 W.L.R. 1145, C.C.A.**

R. v. *Norton* [1910] 2 K.B. 496; 26 T.L.R. 550; 5 Cr.App.R. 65, 197, C.C.A. Applied, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Nottingham Justices, Ex parte Brown* [1960] 1 W.L.R. 1315; [1960] 3 All E.R. 625. Applied, R. *v.* Dunmow Justices, *Ex parte* Anderson **[1964] 1 W.L.R. 1039, D.C.**

R. v. *Nottingham Quarter Sessions, Ex parte* Harlow [1952] 2 Q.B. 601; [1952] 1 T.L.R. 1546; [1952] 2 All E.R. 78; 50 L.G.R. 447, D.C. Followed, R. *v.* Boldero, *Ex parte* Bognor Regis Urban District Council **(1962) 60 L.G.R. 292, D.C.**; Phillips *v.* Berkshire County Council **[1967] 2 Q.B. 991; [1967] 3 W.L.R. 565, D.C.**

R. v. *Nowell* (1948) 64 T.L.R. 277, 278; [1948] 1 All E.R. 794; 32 Cr.App.R. 173, C.C.A. Explained, R. *v.* Lanfear **[1968] 2 Q.B. 77; [1968] 2 W.L.R. 623, C.A.**

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R. v. *Odhams Press Ltd., Ex parte Attorney-General* [1957] 1 Q.B. 73; [1956] 3 W.L.R. 796; [1956] 3 All E.R. 494, D.C. Considered, Attorney-General *v.* Butterworth **(1963) L.R. 3 R.P. 327; [1963] 1 Q.B. 696; [1962] 3 W.L.R. 819, C.A.**

R. v. *O'Grady* (1941) 28 Cr.App.R. 32. Approved, R. *v.* Edirimanasingham **[1961] A.C. 454; [1961] 2 W.L.R. 156, P.C.**

R. v. *Olica* [1965] 1 W.L.R. 1028, 1036; [1965] 3 All E.R. 116, C.A. Dicta of Lord Parker C.J. considered, R. *v.* Cleghorn **[1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421, C.A.** Applied, R. *v.* Tregear **[1967] 2 Q.B. 574; [1967] 2 W.L.R. 1414, C.A.**

R. v. *Oliver* [1944] K.B. 68; 60 T.L.R. 82; [1943] 2 All E.R. 800, C.C.A. Applied, R. *v.* Ewens **[1967] 1 Q.B. 322; [1966] 2 W.L.R. 1372, C.C.A.**

R. v. *Ollis* [1900] 2 Q.B. 758; 16 T.L.R. 477; 19 Cox C.C. 554. Considered, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**. Explained, G. (An Infant) *v.* Coltart **[1967] 1 Q.B. 432; [1967] 2 W.L.R. 333, D.C.**

R. v. *O'Neill* (1871) I.R. 6 C.L. 1. Considered, R. *v.* Button; R. *v.* Swain **[1966] A.C. 591; [1965] 2 W.L.R. 992, C.C.A.**

R. v. *Ottewell* [1969] 1 Q.B. 27; [1968] 2 W.L.R. 1536; [1968] 2 All E.R. 593, C.A. Decision of the Court of Appeal reversed **[1970] A.C. 642; [1968] 3 W.L.R. 621, H.L.(E.)**

R. v. *Owen* [1952] 2 Q.B. 362; [1952] 1 All E.R. 1040; 36 Cr.App.R. 16, C.C.A. Followed, R. *v.* Milliken **(1969) 53 Cr.App.R. 330, C.A.**

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R. v. *Palmer* (1935) 25 Cr.App.R. 97, C.C.A. Considered, R. *v.* Weaver **[1968] 1 Q.B. 353; [1967] 2 W.L.R. 1244, C.A.**

R. v. *Pamenter* (1872) 12 Cox C.C. 177. Considered, Rumping *v.* Director of Public Prosecutions **[1964] A.C. 814; [1962] 3 W.L.R. 763, C.C.A. and H.L.(E.)**

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R. v. *Parke* [1903] 2 K.B. 432, 437; 19 T.L.R. 627, D.C. Dicta of Wills J. considered, Attorney-General *v.* Butterworth **(1961) L.R. 3 R.P. 1; [1962] 1 Q.B. 534; [1962] 2 W.L.R. 70, R.P.Ct.(E. & W.)**

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R. v. *Pearce* [1951] 1 T.L.R. 412; 35 Cr.App.R. 17; [1951] 1 All E.R. 493, C.C.A. Dicta of Humphreys J. followed, R. *v.* Hall **[1964] 1 Q.B. 273; [1963] 3 W.L.R. 482, C.C.A.**

R. v. *Pearce* [1953] 1 Q.B. 30; [1952] 2 T.L.R. 618; [1952] 2 All E.R. 718, C.C.A. Approved, Verrier *v.* Director of Public Prosecutions **[1967] 2 A.C. 195; [1966] 3 W.L.R. 924, H.L.(E.)**. Considered, Bell *v.* Ingham **[1969] 1 Q.B. 563; [1968] 3 W.L.R. 401, D.C.**

R. v. *Pearl and Arnold* (1942) 28 Cr.App.R. 183, C.C.A. Distinguished, R. *v.* Tizard **[1962] 2 Q.B. 608; [1962] 2 W.L.R. 652, C.C.A.**

R. v. *Peckham* (1935) 25 Cr.App.R. 125, 128, C.C.A. Considered, R. *v.* Weaver **[1968] 1 Q.B. 353; [1967] 2 W.L.R. 1244, C.A.** Dictum of Lord Hewart C.J. not followed, R. *v.* Palin **[1969] 1 W.L.R. 1544, C.A.**

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R. v. *Pembliton* (1874) L.R. 2 C.C.R. 119. Followed, R. *v.* Solanke **[1970] 1 W.L.R. 1, C.A.**

R. v. *Perks* (1961) 46 Cr.App.R. 29, C.C.A. Applied, R. *v.* Stafford; R. *v.* Luvaglio **(1968) 53 Cr.App.R. 1, C.A.**

R. v. *Phillips* (1921) 85 J.P. 120. Not followed, R. *v.* Salter **[1968] 2 Q.B. 793; [1968] 3 W.L.R. 39, C.A.**

R. v. *Phillips* [1953] 2 Q.B. 14; [1953] 2 W.L.R. 868; [1953] 1 All E.R. 968, C.C.A. Distinguished, R. *v.* Roe **[1967] 1 W.L.R. 634, C.A.**

R. v. *Pierce* (1887) 3 T.L.R. 586; 16 Cox C.C. 213. Followed, R. *v.* Thornton **[1964] 2 Q.B. 176; [1963] 3 W.L.R. 444, C.C.A.**

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R. v. *Pomeroy* (1935) 25 Cr.App.R. 147, C.C.A. Explained, R. *v.* Andrews **[1967] 1 W.L.R. 439, C.A.**

R. v. *Pople* [1950] 1 K.B. 53, C.C.A. Applied, R. *v.* Martin **[1962] 1 Q.B. 221; [1961] 3 W.L.R. 17, C.C.A.**; R. *v.* Harden **[1963] 1 Q.B. 8; [1962] 2 W.L.R. 553, C.C.A.**

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R. v. *Price (Kenneth)* [1968] 1 W.L.R. 1853; [1968] 3 All E.R. 814, C.A. Distinguished, Campbell *v.* Tormey **[1969] 1 W.L.R. 189, D.C.** Considered, Pinner *v.* Everett **[1969] 1 W.L.R. 1266, H.L.(E.)**

R. v. *Price (Maurice)* [1964] 2 Q.B. 76; [1963] 3 W.L.R. 1027; [1963] 3 All E.R. 938, C.C.A. Applied, R. *v.* Mitten **[1966] 1 Q.B. 10; [1965] 3 W.L.R. 268, C.C.A.**

R. v. *Priestley* (1966) 50 Cr.App.R. 183. Doubted, R. *v.* Richards **[1967] 1 W.L.R. 653, C.A.**

R. v. *Prince* (1868) L.R. 1 C.C.R. 150; 11 Cox C.C. 145. Distinguished, R. *v.* Sutton **[1966] 1 W.L.R. 236, C.C.A.** Applied, Lacis *v.* Cashmarts **[1969] 2 Q.B. 400; [1969] 2 W.L.R. 329, C.A.**

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R. v. *Reah* [1968] 1 W.L.R. 1508; [1968] 3 All E.R. 269, C.A. Applied, R. *v.* Fisher (Charles) **[1969] 1 W.L.R. 8, C.A.**

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R. v. *Richards* (1955) 92 C.L.R. 157. Considered, Kariapper *v.* Wijesinha **[1968] A.C. 717;** [1967] **3 W.L.R. 1460, P.C.**

R. v. *Richards* (1868) 11 Cox C.C. 43. Applied, R. *v.* Pollock **[1967] 2 Q.B. 195;** [1966] **2 W.L.R. 1145, C.C.A.**

R. v. *Richardson* (1785) 1 Leach 387. Considered, King *v.* The Queen **[1962] A.C. 199; [1962] 2 W.L.R. 301, P.C.**

R. v. *Rickard* (1918) 13 Cr.App.R. 140, C.C.A. Followed, R. *v.* Tilley **[1961] 1 W.L.R. 1309, C.C.A.**

R. v. *Riley* [1963] 3 All E.R. 949. Considered, R. *v.* Guest, *Ex parte* Anthony **[1964] 1 W.L.R. 1273, C.C.A.**

R. v. *Rivett* (1950) 34 Cr.App.R. 87, C.C.A. Considered, R. *v.* Jennion **[1962] 1 W.L.R. 317, C.C.A.**

R. v. *Robinson (Robert) (Note)* [1970] 1 W.L.R. 15, C.C.A. Distinguished, R. *v.* Baxter **[1970] 1 W.L.R. 13, C.A.**

R. v. *Rodley* [1913] 3 K.B. **468; 29** T.L.R. 700, C.C.A. Considered, R. *v.* Fitzpatrick [1963] **1 W.L.R. 7, C.C.A.**

R. v. *Rollafson* [1969] 1 W.L.R. 815; [1969] 2 All E.R. 833, C.A. Followed, R. *v.* Schildkamp (Note) **[1969] 1 W.L.R. 818, C.A.**

R. v. *Rowe* [1955] 1 Q.B. 573; [1955] 2 W.L.R. 1056; [1955] 2 All E.R. 234, C.C.A. Considered, R. *v.* Jefferies **[1969] 1 Q.B. 120; [1968] 3 W.L.R. 830, C.A.**

R. v. *Rowland* [1947] K.B. 460; 32 Cr.App.R. 29, C.C.A. Considered, R. *v.* Ditch **(1969) 53 Cr.App.R. 627, C.A.**

R. v. *Rowton* (1865) Le. & Ca. 520; 34 L.J.M.C. 57. Considered, Jones *v.* Director of Public Prosecutions **[1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)**

R. v. *Rowton* (1865) 10 Cox C.C. 25. Considered, R. *v.* Richardson **[1969] 1 Q.B. 299;** [1968] **3 W.L.R. 15, C.A.**

R. v. *Rudd* (1948) 64 T.L.R. 240; 32 Cr.App.R. 138, C.C.A. Distinguished, Mawaz Khan *v.* The Queen **[1967] 1 A.C. 454; [1966] 3 W.L.R. 1275, P.C.**

R. v. *Russell* (1944) 29 Cr.App.R. 165. Considered, R. *v.* Caslin **[1961] 1 W.L.R. 59, C.C.A.**

R. v. *Sadler* [1970] 1 W.L.R. **416, 423;** [1970] **2** All E.R. 12, C.A. Dicta explained, R. *v.* Bove [1970] **1 W.L.R. 949, C.A.**

R. v. *Saddlers' Co.* (1863) 10 H.L.Cas. 404, H.L.(E.). Considered, Faramus *v.* Film Artistes' Association **[1963] 2 Q.B. 527; [1963] 2 W.L.R. 504, C.A.**

R. v. *St. Mary Lambeth (Churchwardens) (Note)* (1832) 1 Ad. & El. 346. Considered, John *v.* Rees **[1970] Ch. 345; [1969] 2 W.L.R. 1294**

R. v. *St. Pancras Vestry* (1890) 24 Q.B.D. 371, C.A. Applied, Meade *v.* Brighton Corpn. **(1968) 67 L.G.R. 289, D.C.**

R. v. *Salisbury and Amesbury Justices. Ex parte Greatbatch* [1954] 2 Q.B. 142; [1954] 3 W.L.R. 29; [1954] 2 All E.R. 326, D.C. Followed, R. *v.* Kettering Justices, *Ex parte* Patmore **[1968] 1 W.L.R. 1436, D.C.**

R. v. *Salvi* (1857) 10 Cox C.C. 481n. Considered, R. *v.* Connelly **[1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.**; Connelly *v.* Director of Public Prosecutions **[1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)**

R. v. *Sanderson* [1953] 1 W.L.R. 392; [1953] 1 All E.R. 485, C.C.A. Distinguished, R. *v.* Nixon **[1968] 1 W.L.R. 577, C.A.**

R. v. *Savundra* (1968) 52 Cr.App.R. 637, 644, C.A. Dictum of Salmon L.J. not followed, R. *v.* Harris (Richard) **[1970] 1 W.L.R. 1252**

R. v. *Sawyer* (1959) 43 Cr.App.R. 187, C.C.A. Applied, R. *v.* Trigg **[1963] 1 W.L.R. 305, C.C.A.**; R. *v.* O'Reilly **[1967] 2 Q.B. 722; [1967] 3 W.L.R. 191, C.A.**

R. v. *Scaramanga* [1963] 2 Q.B. 807; [1963] 3 W.L.R. 320; [1963] 2 All E.R. 852, C.C.A. Explained, R. *v.* Assim **[1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.** Applied, R. *v.* Parker **[1969] 2 Q.B. 248; [1969] 2 W.L.R. 1063, C.A.**

R. v. *Schildkamp (Note)* [1969] 1 W.L.R. 818; [1969] 2 All E.R. 835, C.A. Decision of the Court of Appeal affirmed **[1970] 2 W.L.R. 279, H.L.(E.)**

R. v. *School Board of London* (1886) 17 Q.B.D. 738; 2 T.L.R. 633, C.A. Dicta considered, R. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. **[1964] 1 W.L.R. 1186, D.C.**

R. v. *Scott* (1856) Dears. & B. 47. Applied, R. *v.* Harris (Richard) **[1970] 1 W.L.R. 1252**

R. v. *Scully* (1903) 23 N.Z.L.R. 380. Considered, R. *v.* Mills **[1963] 1 Q.B. 522; [1963] 2 W.L.R. 137, C.C.A.**

R. v. *Secretary of State for Home Affairs, Ex parte Duke of Chateau Thierry* [1917] 1 K.B. 922; 33 T.L.R. 264, C.A. Applied, R. *v.* Governor of Brixton Prison, *Ex parte* Soblen **[1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, John Stephenson J. and C.A.**

R. v. *Secretary of State for Home Affairs, Ex parte Greene* [1942] A.C. 284, H.L.(E.); [1942] 1 K.B. 87, C.A. Distinguished, R. *v.* Governor of Brixton Prison, *Ex parte* Ahsan **[1969] 2 Q.B. 222; [1969] 2 W.L.R. 618, D.C.**

R. v. *Secretary for Home Affairs, Ex parte O'Brien* [1923] 2 K.B. 361, C.A. Applied, R. *v.* Governor of Brixton Prison, *Ex parte* Ahsan **[1969] 2 Q.B. 222; [1969] 2 W.L.R. 618, D.C.**

R. v. *Secretary of State for India in Council, Ex parte Ezekiel* [1941] 2 K.B. 169; [1941] 2 All E.R. 546, D.C. Applied, R. *v.* Governor of Brixton Prison, *Ex parte* Caldough **[1961] 1 W.L.R. 464, D.C.**; R. *v.* Governor of Brixton Prison, *Ex parte* Armah **[1968] A.C. 192; [1966] 3 W.L.R. 23, D.C.**

R. v. *Selvey* [1968] 1 Q.B. 706; [1967] 3 W.L.R. 1637; [1968] 1 All E.R. 94, C.A. Decision of the Court of Appeal affirmed **[1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.)**

R. v. *Selway and Wynn* (1859) 8 Cox C.C. 235. Considered, R. *v.* Desmond; R. *v.* Hall **[1965] A.C. 960; [1965] 2 W.L.R. 894, H.L.(E.)**

R. v. *Senior* [1899] 1 Q.B. 283; 15 T.L.R. 102. Considered, R. *v.* Church **[1966] 1 Q.B. 59; [1965] 2 W.L.R. 1220, C.C.A.**

R. v. *Serghiou* [1966] 1 W.L.R. 1611; [1966] 3 All E.R. 637. Approved, R. *v.* Green (Practice Note) **[1968] 1 W.L.R. 673, C.A.**

R. v. *Seymour* [1954] 1 W.L.R. 678; [1954] 1 All E.R. 1006, C.C.A. Considered, R. *v.* Woods **[1969] 1 Q.B. 447; [1968] 3 W.L.R. 1192, C.A.**

R. v. *Sharp* [1957] 1 Q.B. 552; [1957] 2 W.L.R. 472; [1957] 1 All E.R. 577, C.C.A. Considered, R. *v.* Button; R. *v.* Swain **[1966] A.C. 591; [1965] 2 W.L.R. 992, C.C.A.**

R. v. *Sheean* (1908) 21 Cox C.C. 561; 24 T.L.R. 459. Approved, R. *v.* Selvey **[1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.)**

R. v. *Sheridan* [1937] 1 K.B. 223; 52 T.L.R. 626; [1936] 2 All E.R. 883, C.C.A. Applied, R. *v.* Guest, *Ex parte* Anthony **[1964] 1 W.L.R. 1273, D.C.** Considered, S. (An Infant) *v.* Recorder of Manchester **[1970] 2 W.L.R. 21, H.L.(E.)**

R. v. *Shipton* [1957] 1 W.L.R. 259; [1957] 1 All E.R. 206, D.C. Distinguished, Director of Public Prosecutions *v.* Nasralla **[1967] 2 A.C. 238; [1967] 3 W.L.R. 13, P.C.**

R. v. *Shoreditch Assessment Committee, Ex parte Morman* [1910] 2 K.B. 859; 26 T.L.R. 663, C.A. Distinguished, Anisminic Ltd. *v.* Foreign Compensation Commission **[1968] 2 Q.B. 862; [1967] 3 W.L.R. 382, C.A.**

R. v. *Silver* [1956] 1 W.L.R. 281; [1956] 1 All E.R. 716; 40 Cr.App.R. 32. Approved, Shaw *v.* Director of Public Prosecutions **[1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)**

R. v. *Simcox*, The Times, February 24, 1964. Followed, R. *v.* Lloyd **[1967] 1 Q.B. 175; [1966] 2 W.L.R. 13, C.C.A.**

R. v. *Simons* (1834) 6 C. & P. 540. Applied, Rumping *v.* Director of Public Prosecutions **[1964] A.C. 814; [1962] 3 W.L.R. 763, C.C.A. and H.L.(E.)**

R. v. *Sims* [1946] K.B. 531, 540; [1946] 1 All E.R. 697, C.C.A. Distinguished, R. *v.* Doughty **[1965] 1 W.L.R. 331, C.C.A.** Dictum of Lord Goddard C.J. doubted, R. *v.* Flack **[1969] 1 W.L.R. 937, C.A.**

R. v. *Skinner* [1968] 2 Q.B. 700; [1968] 3 W.L.R. 408; [1968] 3 All E.R. 124, C.A. Considered, R. *v.* Holt **[1968] 1 W.L.R. 1942, C.A.**

R. v. *Slade, Ex parte Saunders* [1895] 2 Q.B. 247, D.C. Applied, R. *v.* Chertsey Justices, *Ex parte* Franks **[1961] 2 Q.B. 152; [1961] 2 W.L.R. 442**

R. v. *Sleep* (1861) 8 Cox C.C. 472, 480. Dictum of Cockburn C.J. applied, Towers & Co. Ltd. *v.* Gray **[1961] 2 Q.B. 351; [1961] 2 W.L.R. 553, D.C.**

R. v. *Smith* (1950) 34 Cr.App.R. 168; [1950] 2 All E.R. 679, C.C.A. Applied, R. *v.* Martin **[1962] 1 Q.B. 221; [1961] 3 W.L.R. 17, C.C.A.**

R. v. *Smith* (1950) 66 T.L.R. (Pt. 2) 319. *See R.* v. *Pople.*

R. v. *Smith. See Director of Public Prosecutions* v. *Smith.*

R. v. *Smithies* (1832) C. & P. 332. Applied, Rumping *v.* Director of Public Prosecutions **[1964] A.C. 814; [1962] 3 W.L.R. 763, C.C.A. and H.L.(E.)**

R. v. *Snell, Ex parte Marylebone Borough Council* [1942] 2 K.B. 137; 58 T.L.R. 236; [1942] 1 All E.R. 612, D.C. Considered, St. Pancras Borough Council *v.* Frey **[1963] 2 Q.B. 586; [1963] 2 W.L.R. 894, D.C.**

R. v. *Sorsky* [1944] 2 All E.R. 333; 30 Cr.App.R. 84, C.C.A. Applied, R. *v.* Churchill (No. 2) **[1967] 1 Q.B. 190; [1966] 2 W.L.R. 1116, C.C.A.** Distinguished, R. *v.* Churchill **[1967] 2 A.C. 224; [1967] 2 W.L.R. 682, H.L.(E.)**

R. v. *South Staffordshire Water Works Co.* (1885) 16 Q.B.D. 359, 370, C.A. Dicta of Lord Esher M.R. applied, Almond *v.* Ash Brothers & Heaton Ltd. **[1969] 2 A.C. 366; [1969] 2 W.L.R. 1024, H.L.(E.)**

R. v. *Spriggs* [1958] 1 Q.B. 270; [1958] 2 W.L.R. 162; [1958] 1 All E.R. 300. Not followed, R. *v.* Terry **[1961] 2 Q.B. 314; [1961] 2 W.L.R. 961, C.C.A.**

R. v. *Spurge* [1961] 2 Q.B. 205; [1961] 3 W.L.R. 23; [1961] 2 All E.R. 688, C.A. Considered, R. *v.* Ewens **[1967] 1 Q.B. 322; [1966] 2 W.L.R. 1372, C.C.A.**; Burns *v.* Bidder **[1967] 2 Q.B. 227; [1966] 3 W.L.R. 99, D.C.** Applied, R. *v.* Robert Millar (Contractors) Ltd. **[1970] 2 Q.B. 54; [1970] 2 W.L.R. 541, Fisher J. and C.A.**; R. *v.* Atkinson **[1970] R.T.R. 265, C.A.**

R. v. *Stannard* [1965] 2 Q.B. 1; [1964] 2 W.L.R. 461; [1964] 1 All E.R. 34; 48 Cr.App.R. 81, C.C.A. Approved, Murdoch *v.* Taylor **[1965] A.C. 574; [1965] 2 W.L.R. 425, H.L.(E.)**

R. v. *Stapleton* (1857) 8 Cox C.C. 69. Considered, R. *v.* Churchill **[1965] 1 W.L.R. 1174**

R. v. *Steane* [1947] K.B. 997; 63 T.L.R. 403; [1947] 1 All E.R. 813, C.C.A. Dictum of Lord Goddard C.J. explained, R. *v.* Gill **[1963] 1 W.L.R. 841, C.C.A.**

R. v. *Stinie Morrison* (1911) 6 Cr.App.R. 159, 165, C.C.A. Dicta of Lord Alverstone C.J. applied, R. *v.* Smith (Joan) **[1968] 1 W.L.R. 636, C.A.**

R. v. *Stobbart* [1951] 2 All E.R. 753, C.C.A. Applied, R. *v.* Tarry **[1970] 2 Q.B. 560; [1970] 2 W.L.R. 1034, C.A.**

R. v. *Stoddart* (1909) 2 Cr.App.R. 217, 241, C.C.A. Applied, R. *v.* Attfield **[1961] 1 W.L.R. 1135, C.C.A.** Dicta of Lord Alverstone C.J. considered, R. *v.* Bradbury **[1969] 2 Q.B. 471; [1969] 2 W.L.R. 615, C.A.**

R. v. *Stokesley (Yorks.) Justices, Ex parte Bartram* [1956] 1 W.L.R. 254; [1956] 1 All E.R. 563n., D.C. Considered, Bond *v.* Bond **[1967] P. 39; [1965] 2 W.L.R. 1008, D.C.**

R. v. *Straffen* [1952] 2 Q.B. 911; [1952] 2 T.L.R. 589; [1952] 2 All E.R. 657; 36 Cr.App.R. 132, C.C.A. Considered, Jones *v.* Director of Public Prosecutions **[1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)**

R. v. *Sunderland Justices, Ex parte Hodgkinson* [1945] K.B. 502; 61 T.L.R. 456; [1945] 2 All E.R. 175, D.C. Considered, Robinson *v.* Williams **[1965] 1 Q.B. 89; [1964] 3 W.L.R. 563, D.C.** Applied, *In re* F. (W.) (An Infant) **[1969] 2 Ch. 269; [1969] 3 W.L.R. 206**

R. v. *Surrey Justices, Ex parte Witherick* [1932] 1 K.B. 450; 48 T.L.R. 67. Applied, R. *v.* Clow **[1965] 1 Q.B. 598; [1963] 3 W.L.R. 84, C.C.A.**

R. v. *Surrey Quarter Sessions, Ex parte Comr. of Metropolitan Police* [1963] 1 Q.B. 990, 995; [1963] 2 W.L.R. 1203; [1962] 1 All E.R. 825, D.C. Considered, R. *v.* Dorset Quarter Sessions, *Ex parte* Randall **[1967] 2 Q.B. 222; [1967] 2 W.L.R. 25, D.C.**

R. v. *Sussex Justices, Ex parte McCarthy* [1924] 1 K.B. 256; (sub nom. *Rex* v. *Hurst, Ex parte McCarthy*), 40 T.L.R. 80, D.C. Applied, Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon **[1968] 1 W.L.R. 815, D.C.** Dictum of Lord Hewart C.J. applied, Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon **[1969] 1 Q.B. 577; [1968] 3 W.L.R. 694, C.A.**

R. v. *Swan* (1751) Fost. 104. Distinguished, R. *v.* Inner London Quarter Sessions, *Ex parte* Metropolitan Police Comr. **[1970] 2 Q.B. 80; [1970] 2 W.L.R. 95, D.C.**

R. v. *Syme* (1911) 6 Cr.App.R. 257, C.C.A. Considered, R. *v.* Solanke **[1970] 1 W.L.R. 1, C.A.**

R. v. *Syme* (1914) 30 T.L.R. 691; 10 Cr.App.R. 284, C.C.A. Dictum of Bankes J. applied, R. *v.* Box **[1964] 1 Q.B. 430; [1963] 3 W.L.R. 696, C.A.**

R. v. *Taylor* (1875) 13 Cox C.C. 68. Applied, R. *v.* Creamer **[1966] 1 Q.B. 72; [1965] 3 W.L.R. 583, C.C.A.**

R. v. *Taylor* [1915] 2 K.B. 709, 712–713; 11 Cr.App.R. 198, C.C.A. Dicta of Lord Reading C.J. applied, R. *v.* Duke **[1963] 1 Q.B. 120; [1961] 3 W.L.R. 1194, C.C.A.**

R. v. *Taylor* (1923) 17 Cr.App.R. 109, C.C.A. Distinguished, R. *v.* Reading **[1966] 1 W.L.R. 836, C.C.A.**

R. v. *Taylor* [1950] 2 K.B. 368; [1950] 2 All E.R. 170, C.C.A. Applied, R. *v.* Newsome **[1970] 2 Q.B. 711; [1970] 3 W.L.R. 586, C.A.**

R. v. *Thambipillai* (1963) 66 N.L.R. 58. Disapproved, Khan *v.* Ariyadasa **[1965] A.C. 1064; [1965] 2 W.L.R. 1339, P.C.**

R. v. *Thames Magistrates' Court, Ex parte Greenbaum* (1957) 55 L.G.R. 129, C.C.A. Distinguished, Ferrant *v.* Stepney Borough Council **(1964) 62 L.G.R. 182, D.C.** Applied, R. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. **[1966] 1 Q.B. 380; [1965] 3 W.L.R. 426, C.A.**

R. v. *Thomas* (1947) 32 Cr.App.R. 50. Considered, R. *v.* McDonnell **[1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138**

R. v. *Thomas* [1957] 1 W.L.R. 747; [1957] 2 All E.R. 181; 41 Cr.App.R. 117. Considered, Shaw *v.* Director of Public Prosecutions **[1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)**

R. v. *Thomas* [1959] 1 W.L.R. 1086; [1959] 3 All E.R. 522n; 43 Cr.App.R. 210, C.C.A. Considered, R. v. Ditch **(1969) 53 Cr.App.R. 627, C.A.**

R. v. *Thompson* [1893] 2 Q.B. 12; 9 T.L.R. 435. Considered, Sparks v. The Queen **[1964] A.C. 964; [1964] 2 W.L.R. 566, P.C.** Applied, Deokinanan v. The Queen **[1969] 1 A.C. 20; [1968] 3 W.L.R. 83, P.C.**

R. v. *Thompson* [1914] 2 K.B. 99; 30 T.L.R. 223; 9 Cr.App.R. 252, C.C.A. Followed, R. v. Yule **[1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.**

R. v. *Thompson* [1918] A.C. 221; 34 T.L.R. 204; 13 Cr.App.R. 61, H.L.(E.). Applied, R. v. Reading **[1966] 1 W.L.R. 836, C.C.A.**

R. v. *Thursfield* (1838) 8 Car. & P. 269. Applied, Abbott v. Refuge Assurance Co. Ltd. **[1962] 1 Q.B. 432; [1961] 3 W.L.R. 1240, C.A.**

R. v. *Tilley* [1961] 1 W.L.R. 1309; [1961] 3 All E.R. 406; C.C.A. Applied, R. v. Harden **[1963] 1 Q.B. 8; [1962] 2 W.L.R. 553, C.C.A.** Explained, R. v. O'Sullivan **[1969] 1 W.L.R. 497, C.A.**

R. v. *Tithe Comrs.* (1849) 14 Q.B. 459. Distinguished, Festiniog Railway Co. v. Central Electricity Generating Board **(1962) 60 L.G.R. 157, C.A.**

R. v. *Tizard* [1962] 2 Q.B. 608; [1962] 2 W.L.R. 652; [1962] 1 All E.R. 209, C.C.A. Considered, R. v. Assim **[1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.**

R. v. *Todd* (1901) 13 Man.L.R. 364, 376. Approved, Deokinanan v. The Queen **[1969] 1 A.C. 20; [1968] 3 W.L.R. 83, P.C.**

R. v. *Tolson* (1889) 23 Q.B.D. 168; 5 T.L.R. 465. Followed, R. v. King **[1964] 1 Q.B. 285; [1963] 3 W.L.R. 892, C.C.A.** Considered, R. v. Gould **[1968] 2 Q.B. 65; [1968] 2 W.L.R. 643, C.A.** Approved, Sweet v. Parsley **[1970] A.C. 132; [1969] 2 W.L.R. 470, H.L.(E.)**

R. v. *Tomlin* [1954] 2 Q.B. 274; [1954] 2 W.L.R. 1140; [1954] 2 All E.R. 272, C.C.A. Applied, Brightside and Carbrook (Sheffield) Co-operative Society Ltd. v. Phillips **[1964] 1 W.L.R. 185, C.A.**

R. v. *Toohey* [1964] 1 W.L.R. 1286; [1964] 3 All E.R. 582, C.C.A. Decision of the Court of Criminal Appeal reversed **[1965] A.C. 595; [1965] 2 W.L.R. 439, H.L.(E.)**

R. v. *Treacey* (1944) 60 T.L.R. 544; [1944] 2 All E.R. 229; 30 Cr.App.R. 93, C.C.A. Applied, R. v. Rice **[1963] 1 Q.B. 857; [1963] 2 W.L.R. 585, C.C.A.**

R. v. *Tregear* [1967] 2 Q.B. 574; [1967] 2 W.L.R. 1414; [1967] 1 All E.R. 989, C.A. Distinguished, R. v. Cleghorn **[1967] 2 Q.B. 584; [1967] 2 W.L.R. 1421, C.A.**

R. v. *Trent River Authority, Ex parte National Coal Board* [1968] 2 Q.B. 640; [1968] 2 W.L.R. 1379; [1968] 2 All E.R. 273, D.C. Decision of the Divisional Court reversed **[1969] 2 Q.B. 141; [1969] 2 W.L.R. 653, C.A.**

R. v. *Trent River Authority, Ex parte National Coal Board* [1969] 2 Q.B. 141; [1969] 2 W.L.R. 653; [1969] 1 All E.R. 915, C.A. Decision of the Court of Appeal reversed **[1970] 2 W.L.R. 531, H.L.(E.)**

R. v. *Trigg* [1963] 1 W.L.R. 305; [1963] 1 All E.R. 490, C.C.A. Explained, R. v. O'Reilly **[1967] 2 Q.B. 722; [1967] 3 W.L.R. 191, C.A.**

R. v. *Truelove* (1880) 5 Q.B.D. 336. D.C. Considered, Burke v. Copper **[1962] 1 W.L.R. 700, D.C.**

R. v. *Turner* [1944] K.B. 463; 60 T.L.R. 332; [1944] 1 All E.R. 599, C.C.A. Approved, R. v. Selvey **[1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.)**

R. v. *Turvey* [1946] 2 All E.R. 60, C.C.A. Distinguished, Martin v. Puttick **[1968] 2 Q.B. 82; [1967] 2 W.L.R. 1131, D.C.**

R. v. *Vallett* [1951] 1 All E.R. 231, C.C.A. Considered, R. v. King's Lynn Justices, *Ex parte* Carter **[1968] 3 W.L.R. 1210, D.C.**

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Robb, decd., In re [1953] Ch. 459; [1953] 2 W.L.R. 819; [1953] 1 All E.R. 920. Followed, *In re* Nash's Will Trusts **[1965] 1 W.L.R. 221.** Considered, *In re* Berkeley, decd. **[1968] Ch. 154; [1967] 3 W.L.R. 1312;** *In re* Chance's Will Trusts **[1962] 1 W.L.R. 409.** Overruled, *In re* Berkeley, decd. **[1968] Ch. 744; [1968] 3 W.L.R. 253, C.A.**

Robert v. *Abeywardene* (1912) 15 N.L.R. 323, 324. Applied, Kanayson *v.* Rasiah **[1968] A.C. 746; [1967] 3 W.L.R. 1447, P.C.**

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Roberts v. *Barban* (1930) 6 Tr.L.R. 113. Approved, Felix *v.* Thomas **[1967] 1 A.C. 292; [1966] 3 W.L.R. 902, P.C.**

Roberts v. *Berry* (1853) 3 De G.M. & G. 284, 291. Dictum of Turner L.J. applied, Hare *v.* Nicoll **[1966] 2 Q.B. 130; [1966] 2 W.L.R. 441, C.A.**

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Robertson v. *Amazon Tug and Lighterage Company* (1881) 7 Q.B.D. 598, C.A. Considered, Yeoman Credit Ltd. *v.* Apps **[1962] 2 Q.B. 508: [1961] 3 W.L.R. 94, C.A.**

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Robertson v. *French* (1803) 4 East 130, 135. Applied, The Brabant **[1967] 1 Q.B. 588; [1966] 2 W.L.R. 909**

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Robertson v. *Robertson* (1881) 6 P.D. 119, C.A. Applied, Carter *v.* Carter **[1966] P. 1; [1964] 3 W.L.R. 311**

Robertson v. *Robertson* [1954] 1 W.L.R. 1537; [1954] 3 All E.R. 413n. Followed, Tulley *v.* Tulley **[1967] P. 285; [1967] 2 W.L.R. 840**

Robertson's Application, In re [1969] 1 W.L.R. 109; [1969] 1 All E.R. 257. Considered, *In re* Frost's Application **[1970] 1 W.L.R. 1145**

Robertson's Will Trusts, In re [1960] 1 W.L.R. 1050; [1960] 3 All E.R. 146n. Considered, *In re* Wallace's Settlements **[1968] 1 W.L.R. 711**

Robins v. *Goddard* [1905] 1 K.B. 294; 21 T.L.R. 120, C.A. Distinguished, East Ham Corpn. *v.* **Bernard Sunley & Sons Ltd. [1965] 1 W.L.R. 30, C.A.** Considered, East Ham Corpn. *v.* Bernard Sunley & Sons Ltd. **[1966] A.C. 406; [1965] 3 W.L.R. 1096, H.L.(E.)**

Robins (E.) & Son Ltd. v. *Minister of Health* [1939] 1 K.B. 520; 55 T.L.R. 134; [1938] 4 All E.R. 446, C.A. Applied, London and Westcliff Properties Ltd. *v.* Minister of Housing and Local Government **[1961] 1 W.L.R. 519**

Robinson, In re [1923] 2 Ch. 332; 39 T.L.R. 509. Considered, *In re* Lysaght, decd. **[1966] Ch. 191; [1965] 3 W.L.R. 391**

Robinson v. *Jenkins* (1890) 24 Q.B.D. 275, C.A. Applied, *In re* Givan, decd. **[1966] 1 W.L.R. 1378**

Robinson v. *Kilvert* (1889) 41 Ch.D. 88, C.A. Applied, Bridlington Relay Ltd. *v.* Yorkshire Electricity Board **[1965] Ch. 436; [1965] 2 W.L.R. 349**

Robinson v. *Mollett* (1875) L.R. 7 H.L. 802, 826, H.L.(E.). Applied, Cunliffe-Owen *v.* Teather & Greenwood **[1967] 1 W.L.R. 1421**

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Robinson v. *Ridley* (1821) 6 Madd. 2. Applied, Holder *v.* Holder **[1968] Ch. 359; [1966] 3 W.L.R. 229**

Robinson v. *Robinson* [1943] P. 43; 59 T.L.R. 170; [1943] 1 All E.R. 251. Dicta of Henn Collins J. not applied, Field *v.* Field **[1964] P. 336; [1964] 2 W.L.R. 847.** Overruled, Tumath *v.* Tumath **[1970] P. 78; [1970] 2 W.L.R. 169, C.A.**

Robinson v. *Robinson* [1965] P. 39; [1964] 2 W.L.R. 138; [1964] 3 All E.R. 813. Applied, Montgomery *v.* Montgomery **[1965] P. 46; [1964] 2 W.L.R. 1036**; Beasley *v.* Beasley **[1969] 1 W.L.R. 226**

Robinson v. *Robinson (By his Guardian)* [1965] P. 192; [1964] 3 W.L.R. 935; [1964] 3 All E.R. 232. Not followed, Woolley *v.* Woolley (By her Guardian) **[1968] P. 29; [1966] 3 W.L.R. 1117**

Robinson v. *State of South Australia (No. 2)* [1931] A.C. 704; 47 T.L.R. 454, P.C. Applied, *In re* Grosvenor Hotel, London (No. 2) **[1965] Ch. 1210; [1964] 3 W.L.R. 992, Ungoed-Thomas J. and C.A.** Distinguished, Conway *v.* Rimmer **[1967] 1 W.L.R. 1031, C.A.** Considered, Conway *v.* Rimmer **[1968] A.C. 910; [1968] 2 W.L.R. 998, H.L.(E.)**

Robinson v. *Williams* [1965] 1 Q.B. 89; [1964] 3 W.L.R. 563, [1944] 3 All E.R. 12, D.C. Applied, *In re* F. (W.) (An Infant) **[1969] 2 Ch. 269; [1969] 3 W.L.R. 206**

Robinson Bros. (Brewers) Ltd. v. *Houghton & Chester-le-Street Assessment Committee* [1937] 2 K.B. 445, 468–469; 53 T.L.R. 609; [1937] 2 All E.R. 298; 35 L.G.R. 357, C.A. Dicta of Scott L.J. considered, R. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. **[1964] 1 W.L.R. 1168; [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426, C.A.**; Almond *v.* Ash Brothers & Heaton Ltd. **[1968] 1 W.L.R. 133, C.A.** Dictum of Scott L.J. applied, Munday *v.* Mason **(1961) 59 L.G.R. 282, C.A.** Dictum of Scott L.J. overruled, Garton *v.* Hunter **[1969] 2 Q.B. 37; [1969] 2 W.L.R. 86, C.A.**

Robinson (Roy William) Ltd. v. *Cox* (1968) 67 L.G.R. 188, 195, D.C. Applied, Dunsford *v.* Pearson **[1970] 1 W.L.R. 222, D.C.**

Robinson-Scott v. *Robinson-Scott* [1958] P. 71, 87, 88; [1957] 3 W.L.R. 842; [1957] 3 All E.R. 473. Applied, Indyka *v.* Indyka **[1967] P. 233; [1966] 3 W.L.R. 603, C.A.**; Brown *v.* Brown **[1968] P. 518; [1968] 2 W.L.R. 969, D.C.** Test of Karminski J. considered, Indyka *v.* Indyka **[1969] 1 A.C. 33; [1967] 3 W.L.R. 510, H.L.(E.)**

Robinson's Will Trusts, In re [1963] 1 W.L.R. 628; [1963] 1 All E.R. 777. Not followed, *In re* Buckton's Settlement Trusts **[1964] Ch. 497; [1964] 2 W.L.R. 1318**

Robshaw Brothers Ltd. v. *Mayer* [1957] Ch. 125; [1956] 3 W.L.R. 1049; [1956] 3 All E.R. 833. Applied, Young *v.* Markworth Properties Ltd. **[1965] Ch. 475; [1965] 2 W.L.R. 679**

Rochefoucauld v. *Boustead* [1897] 1 Ch. 196, C.A. Applied, Hodgson *v.* Marks **[1970] 3 W.L.R. 956**

Rochester (Bishop) v. *Lt. Fann* [1906] 2 Ch. 513. Followed, *In re* Joel's Will Trusts **[1967] Ch. 14; [1966] 3 W.L.R. 209**

Rodgers v. *London Brick Co. Ltd.* (1967) 7 K.I.R. 1. Decision of Roskill J. reversed **(1970) 8 K.I.R. 843, C.A.**

Rodocanachi v. *Milburn Bros.* (1886) 18 Q.B.D. 67, C.A. Distinguished, President of India *v.* Metcalfe Shipping Co. Ltd. **[1969] 2 Q.B. 123; [1969] 2 W.L.R. 125**

Roe v. *Ministry of Health* [1954] 2 Q.B. 66, 85; [1954] 2 All E.R. 131, C.A. Dictum of Denning L.J. considered, Overseas Tankship (U.K.) Ltd. *v.* Morts Dock & Engineering Co. Ltd. **[1961] A.C. 388; [1961] 2 W.L.R. 126, P.C.**

Roe v. *Mutual Loan Association Fund Ltd.* (1887) 19 Q.B.D. 347; 3 T.L.R. 755, C.A. Considered, Kok Hoong *v.* Leong Cheong Kweng Mines Ltd. **[1964] A.C. 993; [1964] 2 W.L.R. 150, P.C.**

Rogers, In re (1891) 8 Morr. 243; 7 T.L.R. 746, C.A. Considered, Quistclose Investments Ltd. *v.* Rolls Razor Ltd. (In Liquidation) **[1967] Ch. 910; [1967] 2 W.L.R. 1064.** Distinguished, Quistclose Investments Ltd. *v.* Rolls Razor Ltd. (In Liquidation) **[1968] Ch. 540; [1968] 2 W.L.R. 478, C.A.**

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Rogers v. *Rogers* [1894] P. 161. Considered, Ives *v.* Ives **[1968] P. 375; [1968] 2 W.L.R. 807**

Rogers' Question, In re [1948] 1 All E.R. 328, C.A. Applied, Hine *v.* Hine **[1962] 1 W.L.R. 1124, C.A.**

Rogerson v. *Scottish Automobile and General Insurance Co. Ltd.* (1931) 48 T.L.R. 17; 146 L.T. 26, H.L.(E.). Distinguished, Boss *v.* Kingston **[1963] 1 W.L.R. 99, D.C.**

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Rolls v. *School Board for London* (1884) 27 Ch.D. 639. Applied, Capital Investments Ltd. *v.* Wednesfield Urban District Council **[1965] Ch. 774; [1964] 2 W.L.R. 932**

Rolls-Royce Ltd. v. *Short* (1925) 41 T.L.R. 364. Considered, Duckering *v.* Gollan **[1964] 1 W.L.R. 414**

Rolph v. *Marston Valley Brick Co. Ltd.* [1956] 2 Q.B. 18; [1956] 2 W.L.R. 929; [1956] 2 All E.R. 50. Not followed, McCullie *v.* Butler **[1962] 2 Q.B. 309; [1961] 2 W.L.R. 1011**

Rolt (Sir John), In re [1908] W.N. 76. Doubted, *In re* Priestley's Will Trusts **[1970] 3 W.L.R. 1054**

Rondel v. *Worsley* [1967] 1 Q.B. 443; [1966] 2 W.L.R. 300; [1966] 1 All E.R. 467. Decision of Lawton J. affirmed **[1967] 1 Q.B. 443; [1966] 3 W.L.R. 950, C.A.**

Rondel v. *Worsley* [1967] 1 Q.B. 443; [1966] 3 W.L.R. 950; [1966] 3 All E.R. 657, C.A. Decision of the Court of Appeal affirmed **[1969] 1 A.C. 191; [1967] 3 W.L.R. 1666, H.L.(E.)**

Rook v. *Fairrie* [1941] 1 K.B. 507, 509, 510; 57 T.L.R. 297; [1941] 1 All E.R. 297, C.A. Observations of Atkinson J. disapproved, Dingle *v.* Associated Newspapers Ltd. **[1964] A.C. 371; [1962] 3 W.L.R. 229, H.L.(E.)**

Rooke, In re, Jeans v. *Gatehouse* [1933] Ch. 970. Applied, *In re* Wilson, decd. **[1967] Ch. 53; [1966] 3 W.L.R. 365**

Rookes v. *Barnard* [1963] 1 Q.B. 623; [1961] 3 W.L.R. 438; [1961] 2 All E.R. 825. Decision of Sachs J. reversed **[1963] 1 Q.B. 623; [1962] 3 W.L.R. 260, C.A.**

Rookes v. *Barnard* [1963] 1 Q.B. 623; [1962] 3 W.L.R. 260; [1962] 2 All E.R. 579, C.A. Decision of the Court of Appeal reversed **[1964] A.C. 1129; [1964] 2 W.L.R. 269, H.L.(E.)**

Rookes v. *Barnard* [1963] 1 Q.B. 623; [1962] 3 W.L.R. 260; [1962] 2 All E.R. 579, C.A.; [1964] A.C. 1129; [1964] 2 W.L.R. 269; [1964] 1 All E.R. 367, H.L.(E.). Considered, Morgan *v.* Fry **[1968] 1 Q.B. 521; [1967] 3 W.L.R. 65;** Australian Consolidated Press Ltd. *v.* Uren **[1969] 1 A.C. 590; [1967] 3 W.L.R. 1338, P.C.** Applied, Fielding *v.* Variety Incorporated **[1967] 2 Q.B. 841; [1967] 3 W.L.R. 415, C.A.** Distinguished, Morgan *v.* Fry **[1968] 2 Q.B. 710; [1968] 3 W.L.R. 506, C.A.**

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Rose, In re, Rose v. *Inland Revenue Comrs.* [1952] Ch. 499; [1952] 1 T.L.R. 1577; [1952] 1 All E.R. 1217, C.A. Applied, *In re* Paradise Motor Co. Ltd. **[1968] 1 W.L.R. 1125, C.A.**

Rose v. *Ford* [1937] A.C. 826; 53 T.L.R. 873; [1937] 3 All E.R. 359, H.L.(E.). Applied, Oliver *v.* Ashman **[1962] 2 Q.B. 210; [1961] 3 W.L.R. 669, C.A.** Considered, H. West & Son Ltd. *v.* Shephard **[1964] A.C. 326; [1963] 2 W.L.R. 1359, H.L.(E.)**

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Rose v. *Rose* [1951] P. 29; [1950] 2 All E.R. 311, C.A. Applied, Attwood *v.* Attwood **[1968] P. 591; [1968] 3 W.L.R. 338, D.C.**

Rose v. *Rose* [1957] 1 W.L.R. 451; [1957] 1 All E.R. 517. Considered, Chard *v.* Chard (Practice Note) **[1964] 1 W.L.R. 1149**

Rose v. *The Queen* [1961] A.C. 496; [1961] 2 W.L.R. 506; [1961] 1 All E.R. 859, P.C. Followed, R. *v.* Terry **[1961] 2 Q.B. 314; [1961] 2 W.L.R. 961, C.C.A.**

Rose v. *Welbeck Motors Ltd.* [1962] 1 W.L.R. 1010; [1962] 2 All E.R. 801; 60 L.G.R. 423, D.C. Applied, Newman *v.* Vincent **[1962] 1 W.L.R. 1017, D.C.** Considered, Vant *v.* Cripps **(1964) 62 L.G.R. 88, D.C.**

Rose and Frank Co. v. *J. R. Crompton & Bros. Ltd.* [1923] 2 K.B. 261. Considered, Edwards *v.* Skyways Ltd. **[1964] 1 W.L.R. 349**

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S., decd., In re [1965] P. 165; [1965] 2 W.L.R. 986; [1965] 1 All E.R. 1018. Considered, *In re* M., decd. **[1968] P. 174; [1968] 2 W.L.R. 459**

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S. v. *McC. (orse. S.) and M. (D. S. Intervener)* [1970] 1 W.L.R. 672; [1970] 1 All E.R. 1162, C.A. Decision of the Court of Appeal affirmed **[1970] 3 W.L.R. 366, H.L.(E.)**

S. v. *S.* [1965] 1 W.L.R. 21; [1964] 3 All E.R. 915, C.A. Applied, Hodgkins *v.* Hodgkins **[1965] 1 W.L.R. 1448, C.A.**

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S. v. *S. (orse. W.)* [1962] 1 W.L.R. 25; [1962] 1 All E.R. 33. Decision of Cairns J. reversed **[1963] P. 162; [1962] 3 W.L.R. 396, C.A.**

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St. John's, Hampstead, In re [1939] P. 281; 55 T.L.R. 585. Distinguished, *In re* Jewison's Will Trusts **[1962] Ch. 414; [1961] 3 W.L.R. 1290**

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St. Mary's, Luton, In re [1967] P. 151; [1966] 3 W.L.R. 532; [1966] 3 All E.R. 638. Decision of Newsom Ch. affirmed **[1968] P. 47; [1966] 3 W.L.R. 1171, Ct. of Arches**

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St. Mary, Tyne Dock, In re [1954] P. 369; [1954] 2 W.L.R. 1129; [1954] 2 All E.R. 339. Followed, *In re* St. Augustine's, Brinksway **[1963] P. 364; [1963] 3 W.L.R. 338**

St. Mary the Virgin, West Moors, In re [1963] P. 390; [1963] 2 W.L.R. 1334; [1962] 3 All E.R. 722. Not followed, *In re* St. Augustine's, Brinksway **[1963] P. 364; [1963] 3 W.L.R. 338**

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Taylor v. *Needham* (1810) 2 Taunt. 278. Applied, Regent Oil Co. Ltd. *v.* J. A. Gregory (Hatch End) Ltd. **[1966] Ch. 402; [1965] 3 W.L.R. 730**

Taylor v. *Roe* [1893] W.N. 14. Followed, *In re* B. (J. A.) (An Infant) **[1965] Ch. 1112; [1965] 3 W.L.R. 253**

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Taylor v. *Taylor* (1910) 10 C.L.R. 218. Applied, *In re* Resch's Will Trusts **[1969] 1 A.C. 514; [1968] 3 W.L.R. 1153, P.C.**

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Weston's Settlements, In re [1969] 1 Ch. 223; [1968] 2 W.L.R. 1154; [1968] 1 All E.R. 720; [1969] 1 Ch. 223; [1968] 3 W.L.R. 786; [1968] 3 All E.R. 338, C.A. Distinguished, *In re* Windeatt's Will Trusts **[1969] 1 W.L.R. 692**

Westport (No. 2), The (Practice Note) [1965] 1 W.L.R. 871; [1965] 2 All E.R. 447. Followed, The Queen of the South **[1968] P. 449; [1968] 2 W.L.R. 973**

Westward Television Ltd. v. *Hart* [1969] 1 Ch. 201; [1968] 1 W.L.R. 504; [1968] 1 All E.R. 303; T.C. Leaflet No. 2254. Decision of Pennycuick J. affirmed **[1969] 1 Ch. 201; [1968] 3 W.L.R. 480, C.A.**

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Wheeler v. *Le Marchant* (1881) 17 Ch.D. 675, C.A. Considered, Attorney-General *v.* Clough **[1963] 1 Q.B. 773; [1963] 2 W.L.R. 343**

Wheeler v. *Mercer* [1956] 1 Q.B. 274, 283; [1955] 3 W.L.R. 741; [1955] 3 All E.R. 755, C.A. Dictum of Denning L.J. considered, Westerbury Property and Investment Co. Ltd. *v.* Carpenter **[1961] 1 W.L.R. 272**

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Wheeler v. *New Merton Board Mills Ltd.* [1933] 2 K.B. 669; 49 T.L.R. 574, C.A. Distinguished, Imperial Chemical Industries Ltd. *v.* Shatwell **[1965] A.C. 656; [1964] 3 W.L.R. 329, H.L.(E.)**

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Whitaker, In re [1901] 1 Ch. 9; 17 T.L.R. 24, C.A. Followed, *In re* Theo Garvin Ltd. **[1969] 1 Ch. 624; [1968] 2 W.L.R. 683**

White, In re [1893] 2 Ch. 41, C.A. Distinguished, *In re* Smith, decd. **[1961] 1 W.L.R. 1387.** Considered, *In re* Smith, decd. **[1962] 1 W.L.R. 763, C.A.**

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White v. *Bowron* (1875) L.R. 4 A. & E. 207. Not followed, *In re* St. Nicholas, Plumstead **[1961] 1 W.L.R. 916**

White v. *Broadbent*, The Times, November 29, 1957, C.A. Followed, Grange Motors (Cwmbran) Ltd. *v.* Spencer **[1969] 1 W.L.R. 53, C.A.**

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White v. *Hindley Local Board* (1875) L.R. 10 Q.B. 219, D.C. Considered, Connolly *v.* Ministry of Transport **(1965) 63 L.G.R. 372, C.A.**

White v. *Kuzych* [1951] A.C. 585; [1951] 2 T.L.R. 277; [1951] 2 All E.R. 435, P.C. Considered, Annamunthodo *v.* Oilfields Workers' Trade Union **[1961] A.C. 945; [1961] 3 W.L.R. 650, P.C.** Distinguished, Lawlor *v.* Union of Post Office Workers **[1965] Ch. 712; [1965] 2 W.L.R. 579;** Hiles *v.* Amalgamated Society of Woodworkers **[1968] Ch. 440; [1967] 3 W.L.R. 896.** Applied, Leigh *v.* National Union of Railwaymen **[1970] Ch. 326; [1970] 2 W.L.R. 60**

White v. *Nicholson* (1842) 4 Man. & G. 95. Considered, Brew Brothers Ltd. *v.* Snax (Ross) Ltd. **[1970] 1 Q.B. 612; [1969] 3 W.L.R. 657, C.A.**

White v. *Prescot Urban Council* (1917) 86 L.J.Ch. 221. Considered, In the Estate of Langton, decd. **[1964] P. 163; [1964] 2 W.L.R. 585, C.A.**

White v. *Riley* [1921] 1 Ch. 1; 36 T.L.R. 849, C.A. Considered, Rookes *v.* Barnard **[1963] 1 Q.B. 623; [1962] 3 W.L.R. 260, C.A.** Applied, Morgan *v.* Fry **[1968] 2 Q.B. 710; [1968] 3 W.L.R. 506, C.A.**

White v. *Southend Hotel Co.* [1897] 1 Ch. 767; 13 T.L.R. 310, C.A. Applied, Regent Oil Co. Ltd. *v.* J. A. Gregory (Hatch End) Ltd. **[1966] Ch. 402; [1965] 3 W.L.R. 1206, C.A.**

White v. *Vestry of Fulham* (1896) 74 L.T. 425. Distinguished, Abel *v.* Orpington Urban District Council **(1963) 61 L.G.R. 546, D.C.**

White v. *Weston* [1968] 2 Q.B. 647, [1968] 2 W.L.R. 1459; [1968] 2 All E.R. 842, C.A. Distinguished, Cooper *v.* Scott-Farnell **[1969] 1 W.L.R. 120, C.A.**

White v. *White* [1950] P. 39; 65 T.L.R. 524; [1949] 2 All E.R. 339, C.A. Considered, Williams *v.* Williams **[1963] P. 212; [1962] 3 W.L.R. 977, C.A.; [1964] A.C. 698; [1963] 2 W.L.R. 215, H.L.(E.)**

White v. *White* [1952] P. 395; [1952] 2 T.L.R. 534. Applied, Bull *v.* Bull **[1968] P. 618; [1965] 3 W.L.R. 1048**

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White Rose Cottage, In re [1964] Ch. 483; [1964] 2 W.L.R. 396; [1964] 1 All E.R. 169. Decision of Wilberforce J. reversed in part **[1965] Ch. 940; [1965] 2 W.L.R. 337, C.A.**

White Rose Cottage, In re [1965] Ch. 940, 950, 955; [1965] 2 W.L.R. 337; [1965] 1 All E.R. 11, C.A. Dicta of Lord Denning M.R. and Harman L.J. applied, Parkash *v.* Irani Finance Ltd. **[1970] Ch. 101; [1969] 2 W.L.R. 1134**

Whiteford, In re [1915] 1 Ch. 347. Distinguished, Beachway Management Ltd. *v.* Wisewell **[1970] 3 W.L.R. 1118**

Whitehill v. *Bradford* [1952] Ch. 236; [1952] 1 All E.R. 115, C.A. Considered, Lyne-Pirkis *v.* Jones **[1969] 1 W.L.R. 1293, C.A.**

Whiteley v. *Delaney* [1914] A.C. 132, H.L.(E.). Distinguished, Parkash *v.* Irani Finance Ltd. **[1970] Ch. 101; [1969] 2 W.L.R. 1134**

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Whitley v. *Stumbles* [1930] A.C. 544; 46 T.L.R. 555, H.L.(E.). Applied, Bracey *v.* Read **[1963] Ch. 88; [1962] 3 W.L.R. 1194**

Whitmore v. *Inland Revenue Comrs.* (1925) 10 T.C. 645. Applied, *In re* Outen's Will Trusts **[1963] Ch. 291; [1962] 3 W.L.R. 1084**

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Whitrick, In re [1957] 1 W.L.R. 884; [1957] 2 All E.R. 467, C.A. Applied, *In re* Macandrew's Will Trusts **[1964] Ch. 704; [1963] 3 W.L.R. 822**

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Whittall v. *Kirby* [1947] K.B. 194, 203; [1946] 2 All E.R. 552, D.C. Principle applied, R. *v.* Jackson **[1970] 1 Q.B. 647; [1969] 2 W.L.R. 1339, C.A.** Dictum of Lord Goddard C.J. considered, Mullarkey *v.* Prescott **[1970] R.T.R. 296, D.C.**

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Wholesale Confectioners' Alliance's Agreement, In re (No. 2) (1961) L.R. 2 R.P. 231, 238, 239; [1961] 1 W.L.R. 613; [1961] 2 All E.R. 8. Dictum not applied, *In re* Newspaper Proprietors' Association Ltd.'s and National Federation of Retail Newsagents, Booksellers and Stationers' Agreement **(1961) L.R. 2 R.P. 453; [1961] 1 W.L.R. 1149, R.P.Ct.(E. & W.)**

Whysall v. *Whysall* [1960] P. 52; [1959] 3 W.L.R. 592; [1959] 3 All E.R. 389. Followed, Chapman *v.* Chapman (By his Guardian) **[1961] 1 W.L.R. 1481.** Dicta of Phillimore J. applied, Robinson *v.* Robinson (By his Guardian) **[1965] P. 192; [1964] 3 W.L.R. 935.** Applied, Bennett *v.* Bennett **[1969] 1 W.L.R. 430**

Whyte v. *Pollok* (1882) 7 App.Cas. 400, 405, H.L.(Sc.). Dicta of Lord Selborne L.C. applied, In the Estate of Knibbs, decd. **[1962] 1 W.L.R. 852**

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Wickramaratne v. *Dingiri Baba* (1913) 2 Ct. of App.Cas. 132. Considered, Ponnupillai *v.* Kumaravetpillai **[1964] A.C. 155; [1963] 3 W.L.R. 501, P.C.**

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Wigan v. *Rowland* (1853) 11 Hare 157. Considered, In the Estate of Bravda, decd. **[1967] 1 W.L.R. 1080**

Wigley v. *British Vinegars Ltd.* [1961] 1 W.L.R. 1261; [1961] 3 All E.R. 418, C.A. Approved, McWilliams *v.* Sir William Arrol & Co. Ltd. **[1962] 1 W.L.R. 295, H.L.(Sc.).** Decision of the Court of Appeal affirmed **[1964] A.C. 307; [1962] 3 W.L.R. 731, H.L.(E.)**

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Wigley v. *Wigley* [1951] P. 156, 160; [1950] 2 All E.R. 1218, C.A. Applied, Carter *v.* Carter **[1966] P. 1; [1964] 3 W.L.R. 311.** Considered, Corbett *v.* Corbett (orse. Ashley) (No. 2) **[1970] 3 W.L.R. 195**

Wigram v. *Buckley* [1894] 3 Ch. 483; 10 T.L.R. 654, C.A. Applied, Heywood *v.* B.D.C. Properties Ltd. (No. 2) **[1964] 1 W.L.R. 267**

Wilby, decd., In re [1956] P. 174; [1956] 2 W.L.R. 262; [1956] 1 All E.R. 27. Wrongly decided, *In re* Valentine's Settlement **[1965] Ch. 831; [1965] 2 W.L.R. 1015, C.A.**

Wilchick v. *Marks & Silverstone* [1934] 2 K.B. 56. Applied, Brew Brothers Ltd. *v.* Snax (Ross) Ltd. **[1970] 1 Q.B. 612; [1969] 3 W.L.R. 657, C.A.**

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Wilford v. *West Riding of Yorkshire County Council* [1908] 1 K.B. 685; 24 T.L.R. 286. Applied, Bradbury *v.* Enfield London Borough Council **[1967] 1 W.L.R. 1311, C.A.**

Wilkes v. *Wood* (1763) Lofft. 1. Applied, Rookes *v.* Barnard **[1964] A.C. 1129; [1964] 2 W.L.R. 269, H.L.(E.)**

Wilkie v. *London Passenger Transport Board* (1946) 63 T.L.R. 115; [1946] 1 All E.R. 650; [1947] 1 All E.R. 258, C.A. Distinguished, Gore *v.* Van Der Lann **[1967] 2 Q.B. 31; [1967] 2 W.L.R. 358, C.A.**

Wilkins, In re (1881) 18 Ch.D. 634. Followed, *In re* Petrie **[1962] Ch. 355; [1961] 3 W.L.R. 1348, C.A.**

Wilkins v. *Rogerson* [1960] Ch. 437; [1960] 2 W.L.R. 515; [1960] 1 All E.R. 650. Decision of Danckwerts J. affirmed **[1961] Ch. 133; [1961] 2 W.L.R. 102, C.A.** Considered, Butter *v.* Bennett **[1962] Ch. 293; [1961] W.L.R. 1421**

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Williams' Settlement, In re [1911] 1 Ch. 441. Applied, *In re* Peel's Settlement Trusts **[1964] 1 W.L.R. 1232**

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Williamson v. *Wright*, 1924 S.C.(J.) 57. Distinguished, Bland *v.* Cowan **[1963] 2 Q.B. 735; [1963] 2 W.L.R. 1049, D.C.**

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Willingale v. *Norris* [1909] 1 K.B. 57; 25 T.L.R. 19, D.C. Applied, Rathbone *v.* Bundock **[1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066, D.C.**

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Willis, In re [1921] 1 Ch. 44; 37 T.L.R. 43. Distinguished, *In re* Lysaght, decd. **[1966] Ch. 191; [1965] 3 W.L.R. 391**

Willis v. *British Commonwealth Universities (No. 2)* [1965] 1 W.L.R. 836; [1965] 2 All E.R. 393, C.A. Distinguished, Demag Industrial Equipment *v.* Canada Dry (U.K.) Ltd. **[1969] 1 W.L.R. 985**

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Wilson v. *West Sussex County Council* [1963] 2 Q.B. 764; [1963] 2 W.L.R. 669; [1963] 1 All E.R. 751, C.A. Applied, Slough Estates Ltd. *v.* Slough Borough Council (No. 2) **[1969] 2 Ch. 305; [1969] 2 W.L.R. 1157, C.A.** Distinguished, Slough Estates Ltd. *v.* Slough Borough Council (No. 2) **[1970] 2 W.L.R. 1187, H.L.(E.)**

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Winstone v. *Winstone* [1960] P. 28; [1959] 3 W.L.R. 660; [1959] 3 All E.R. 580. Applied, Des Salles d'Epinoix *v.* Des Salles d'Epinoix **[1967] 1 W.L.R. 553, C.A.** Distinguished, Nanda *v.* Nanda **[1968] P. 351; [1968] 2 W.L.R. 404**

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Winter Garden Theatre (London) Ltd. v. *Millennium Productions Ltd.* [1948] A.C. 173; 63 T.L.R. 529; [1947] 2 All E.R. 331, H.L.(E.). Distinguished, Australian Blue Metal Ltd. *v.* Hughes **[1963] A.C. 74; [1962] 3 W.L.R. 802, P.C.** Considered, National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. **[1964] Ch. 665; [1964] 2 W.L.R. 751, C.A.** Followed, *In re* Spenborough Urban District Council's Application **[1968] Ch. 139; [1967] 2 W.L.R. 1403**

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Yorkshire Engine Co. Ltd. v. *Wright* (1872) 21 W.R. 15, C.A. Applied, Felton *v.* Callis **[1969] 1 Q.B. 200; [1968] 3 W.L.R. 952**

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1275 **Statute of Westminster I** (3 Edw. 1, c. 9)—
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1361 **Justices of the Peace Act** (34 Edw. 3, c. 1):
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1429 **Forcible Entry Act** (8 Hen. 6, c. 9)—
Reg. *v.* Robinson (Michael) [1970] 3 W.L.R. 1039, C.A.

1495 **Statute of Treason** (11 Hen. 7, c. 1)—
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1529 **Statute 21 Hen. 8, c. 5**—
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1536 **Act of Union** (27 Hen. 8, c. 26)—
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1571 **Ecclesiastical Leases Act** (13 Eliz. 1, c. 10)—
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1601 **Charitable Uses Act** (43 Eliz. 1, c. 4)—
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1623 **Statute of Monopolies** (21 Jac. 1, c. 3)—
s. 6: Reg. *v.* Patents Appeal Tribunal, *Ex parte* Swift & Co. [1962] 2 Q.B. 647; [1962] 2 W.L.R. 897, D.C.

1670 **Statute of Distribution** (22 & 23 Car. 2, c. 10)—
s. 3: Coleman *v.* Shang [1961] A.C. 481; [1961] 2 W.L.R. 562, P.C.

1677 **Sunday Observance Act** (29 Car. 2, c. 7)—
s. 1: Rolloswin Investments Ltd. *v.* Chromolit Portugal Cutelarias e Productos Metalicos, S.A.R.L. [1970] 1 W.L.R. 912

1708 **Diplomatic Privileges Act** (7 Anne, c. 12)—
ss. 1, 3, 4, 6: Ghosh *v.* D'Rozario [1963] 1 Q.B. 106; [1962] 3 W.L.R. 405, C.A.

1737 **Distress of Rent Act** (11 Geo. 2, c. 19)—
s. 10: Abingdon Rural District Council *v.* O'Gorman [1968] 2 Q.B. 811; [1968] 3 W.L.R. 240, C.A.

1751 **Disorderly Houses Act** (25 Geo. 2, c. 36)—
s. 2: Panama (Piccadilly) Ltd. *v.* Newberry [1962] 1 W.L.R. 610, D.C.

1765 **Black Sluice Drainage Act** (5 Geo. 3, c. lxxxvi)—
ss. 1, 44: Rippingale Farms Ltd. *v.* Black Sluice Internal Drainage Board [1963] 1 W.L.R. 1347, C.A.

1774 **Fires Prevention (Metropolis) Act** (14 Geo. 3, c. 78)—
s. 86: Goldman *v.* Hargrave [1967] 1 A.C. 645; [1966] 3 W.L.R. 513, P.C.
Mason *v.* Levy Auto Parts of England Ltd. [1967] 2 Q.B. 530; [1967] 2 W.L.R. 1384

1780 **Sunday Observance Act** (21 Geo. 3, c. 49)—
s. 1: Jeffrey *v.* Evans [1964] 1 W.L.R. 505, D.C.

1799 **39 Geo. 3, c. cxviii**—
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1800 **Union with Ireland Act** (39 & 40 Geo. 3, c. 67)—
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Accumulations Act (39 & 40 Geo. 3, c. 98)—
s. 1: *In re* Berkeley, decd. [1968] Ch. 744; [1968] 3 W.L.R. 253, C.A.

1816 **Habeas Corpus Act** (56 Geo. 3, c. 100)—
ss. 3, 4: Reg. *v.* Governor of Brixton Prison, *Ex parte* Ahsan [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618, D.C.

1819 **Poor Law Relief Act** (59 Geo. 3, c. 12)—
s. 17: Wyld *v.* Silver [1963] Ch. 243; [1962] 3 W.L.R. 841, C.A.

1824 **Vagrancy Act** (5 Geo. 4, c. 83)—
s. 4: Goodhew *v.* Morton [1962] 1 W.L.R. 210, D.C.
Cosh *v.* Isherwood [1968] 1 W.L.R. 48, D.C.
ss. 4, 5, 10: Reg. *v.* Walters [1969] 1 Q.B. 255; [1968] 3 W.L.R. 987, C.A.

1831 **London Hackney Carriage Act** (1 & 2 Will. 4, c. 22)—
s. 35: Eldridge *v.* British Airports Authority [1970] 2 Q.B. 387; [1970] 2 W.L.R. 968, D.C.

- 1832 **Prescription Act** (2 & 3 Will. 4, c. 71)—
  - s. 2: Healey *v.* Hawkins [1968] 1 W.L.R. 1967
  - ss. 2, 4: Ward *v.* Kirkland [1967] Ch. 194; [1966] 1 W.L.R. 601
- 1833 **Poor Rate Exemption Act** (3 & 4 Will. 4, c. 30)—
  - Henning *v.* Church of Jesus Christ of Latter-Day Saints [1964] A.C. 420; [1963] 3 W.L.R. 88, H.L.(E.)
- **Judicial Committee Act** (3 & 4 Wm. 4, c. 41)—
  - s. 3: Australian Consolidated Press Ltd. *v.* Uren [1969] 1 A.C. 590; [1967] 3 W.L.R. 1338, P.C.
  - s. 21: Ibralebbe *v.* The Queen [1964] A.C. 900; [1964] 2 W.L.R. 76, P.C.
- **Fines and Recoveries Act** (3 & 4 Will. 4, c. 74)—
  - ss. 1, 15: *In re* St. Albans' Will Trusts [1963] Ch. 365; [1962] 3 W.L.R. 206
  - ss. 22, 33, 34: *In re* Darnley's Will Trusts [1970] 1 W.L.R. 405
- 1836 **Marriage Act** (6 & 7 Will. 4, c. 85)—
  - s. 39: Rex *v.* Mohamed (Ali) (Note) [1964] 2 Q.B. 350
- 1837 **Wills Act** (7 Will. 4 & 1 Vict. c. 26)—
  - s. 3: *In re* Leigh's Will Trusts [1970] Ch. 277; [1969] 3 W.L.R. 649
  - s. 9: In the Estate of Bercovitz, decd. [1961] 1 W.L.R. 892; [1962] 1 W.L.R. 321, C.A.
    - *In re* Groffman, decd. [1969] 1 W.L.R. 733
  - s. 11: In the Estate of Knibbs, decd. [1962] 1 W.L.R. 852
  - s. 15: In the Estate of Bravda, decd. [1968] 1 W.L.R. 479, C.A.
    - *In re* Doland's Will Trusts [1970] Ch. 267; [1969] 3 W.L.R. 614
  - s. 33: *In re* Brodie, decd. [1967] Ch. 818; [1967] 2 W.L.R. 1379
- 1838 **Small Tenements Recovery Act** (1 & 2 Vict. c. 74)—
  - s. 1: Reg. *v.* Forest Justices, *Ex parte* Dallaire [1962] 2 Q.B. 629; [1962] 2 W.L.R. 642, D.C.
- **Judgments Act** (1 & 2 Vict. c. 110)—
  - s. 17: The Myron [1970] 1 Q.B. 527; [1969] 3 W.L.R. 292
- 1839 **Metropolitan Police Act** (2 & 3 Vict. c. 47)—
  - s. 52: Papworth *v.* Coventry [1967] 1 W.L.R. 663, D.C.
  - s. 54 (2): Keddle *v.* Payn [1964] 1 W.L.R. 262, D.C.
  - s. 54 (6): Gelberg *v.* Miller [1961] 1 W.L.R. 153, D.C.
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- 1840 **Loan Societies Act** (3 & 4 Vict. c. 110)—
  - s. 13: Reg. *v.* Delmayne [1970] 2 Q.B. 170; [1969] 3 W.L.R. 300, C.A.
- 1842 **Income Tax Act** (5 & 6 Vict. c. 35)—
  - ss. 163, 164, 190, Sch. (G) No. XVII (3): Inland Revenue Comrs. *v.* Frere [1964] Ch. 359; [1964] 2 W.L.R. 405, C.A.; [1965] A.C. 402; [1964] 3 W.L.R. 1193, H.L.(E.)
- **Defence Act** (5 & 6 Vict. c. 94)—
  - Marten *v.* Flight Refuelling Ltd. [1962] Ch. 115; [1961] 2 W.L.R. 1018
- 1843 **Scientific Societies Act** (6 & 7 Vict. c. 36)—
  - s. 1: Royal College of Music *v.* Cane [1961] 2 Q.B. 89; [1961] 2 W.L.R. 571, C.A.
- 1845 **Lands Clauses Consolidation Act** (8 & 9 Vict. c. 18)—
  - ss. 1, 2, 68: Jolliffe *v.* Exeter Corpn. [1967] 1 W.L.R. 350; [1967] 1 W.L.R. 993, C.A.
  - ss. 18, 63, 121: Newham London Borough Council *v.* Benjamin [1968] 1 W.L.R. 694, C.A.
  - ss. 18, 121: Square Grip Reinforcement Co. (London) Ltd. *v.* Rowton Houses Ltd. [1967] Ch. 477; [1967] 2 W.L.R. 160
  - s. 63: Edwards *v.* Minister of Transport [1964] 2 Q.B. 134; [1964] 2 W.L.R. 515, C.A.
- **Railways Clauses Consolidation Act** (8 & 9 Vict. c. 20), s. 78, as substituted by 1923 Mines (Working Facilities and Support) Act (13 & 14 Geo. 5, c. 20)—
  - s. 15: Thomas McGhie & Sons Ltd. *v.* British Transport Commission [1963] 1 Q.B. 125; [1962] 3 W.L.R. 330
  - s. 68: British Railways Board *v.* Glass [1965] Ch. 538; [1964] 3 W.L.R. 913, C.A.
    - Greenhalgh *v.* British Railways Board [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892, C.A.
- **Gaming Act** (8 & 9 Vict. c. 109)—
  - s. 17: Reg. *v.* Harris [1963] 2 Q.B. 442; [1963] 2 W.L.R. 851, C.C.A.
    - Reg. *v.* Fountain (Note) [1966] 1 W.L.R. 212
  - s. 18: C.H.T. Ltd. *v.* Ward [1963] 1 W.L.R. 922; [1965] 2 Q.B. 63; [1963] 3 W.L.R. 1071, C.A.
    - Tote Investors Ltd. *v.* Smoker [1968] 1 Q.B. 509; [1967] 3 W.L.R. 1239, C.A.
- 1846 **Fatal Accidents Act** (9 & 10 Vict. c. 93)—
  - Buckley *v.* John Allen & Ford (Oxford) Ltd. [1967] 2 Q.B. 637; [1967] 2 W.L.R. 759
  - ss. 1, 2: Burns *v.* Edman [1970] 2 Q.B. 541; [1970] 2 W.L.R. 1005
  - s. 2: Daniels *v.* Jones [1961] 1 W.L.R. 1103, C.A.
    - Rawlinson *v.* Babcock & Wilcox Ltd. [1967] 1 W.L.R. 481
    - Voller *v.* Dairy Produce Packers Ltd. [1962] 1 W.L.R. 960
    - Whittome *v.* Coates [1965] 1 W.L.R. 1285, C.A.
  - ss. 2, 3, 4: Cooper *v.* Williams [1963] 2 Q.B. 567; [1963] 2 W.L.R. 913, C.A.

1846 **County Court Act** (9 & 10 Vict. c. 95)—

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1846–1908 **Fatal Accidents Acts** (8 Edw. 7, c. 7)—

Smith *v.* Leech Brain & Co. Ltd. [1962] 2 Q.B. 405; [1962] 2 W.L.R. 148

Goodburn *v.* Thomas Cotton Ltd. [1968] 1 Q.B. 845; [1968] 2 W.L.R. 229, C.A.

1847 **Gasworks Clauses Act** (10 & 11 Vict. c. 15)—

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Harbours, Docks, and Piers Clauses Act (10 & 11 Vict. c. 27)—

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Town Police Clauses Act (10 & 11 Vict. c. 89)—

s. 28: Wolverton Urban District Council *v.* Willis (Trading as S. G. Willis & Sons) [1962] 1 W.L.R. 205, D.C.

ss. 46, 59: Yates *v.* Gates [1970] 2 Q.B. 27; [1970] 2 W.L.R. 593, D.C.

s. 50: Bowers *v.* Gloucester Corpn. [1963] 1 Q.B. 881; [1963] 2 W.L.R. 386, D.C.

1848 **Indictable Offences Act** (11 & 12 Vict. c. 42)—

s. 12: Reg. *v.* Metropolitan Police Comr., *Ex parte* Hammond [1964] 2 Q.B. 385; [1964] 2 W.L.R. 777, D.C.; [1965] A.C. 810; [1964] 3 W.L.R. 1, H.L.(E.)

Justices Protection Act (11 & 12 Vict. c. 44)—

s. 2: Sammy-Joe *v.* G.P.O. Mount Pleasant Office [1967] 1 W.L.R. 370

Oswestry Markets and Fairs Act (11 & 12 Vict. c. xxxiii)—

s. 33, Sch. (B) (as amended): Oswestry Corpn. *v.* Hudd [1966] 1 W.L.R. 363, C.A.

1849 **Quarter Sessions Act** (12 & 13 Vict. c. 45)—

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1851 **Prevention of Offences Act** (14 & 15 Vict. c. 19)—

s. 5: Reg. *v.* Mowatt [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192, C.A.

Petty Sessions (Ireland) Act (14 & 15 Vict. c. 93)—

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s. 9: Reg. *v.* Harden [1963] 1 Q.B. 8; [1962] 2 W.L.R. 553, C.C.A.

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1852 **Wills Amendment Act** (15 & 16 Vict. c. 24)—

s. 1: In the Estate of Bercovitz, decd. [1962] 1 W.L.R. 321, C.A.

Valuation (Ireland) Act (15 & 16 Vict. c. 63)—

s. 16: Comr. of Valuation for Northern Ireland *v.* Fermanagh Protestant Board of Education [1969] 1 W.L.R. 1708, H.L.(N.I.)

Common Law Procedure Act (15 & 16 Vict. c. 76)—

s. 210: Belgravia Insurance Co. Ltd. *v.* Meah [1964] 1 Q.B. 436; [1963] 3 W.L.R. 1033, C.A.

s. 212: Standard Pattern Co. Ltd. *v.* Ivey [1962] Ch. 432; [1962] 2 W.L.R. 656

Thatcher *v.* C. H. Pearce & Sons (Contractors) Ltd. [1968] 1 W.L.R. 748

1853 **London Hackney Carriage Act** (16 & 17 Vict. c. 33)—

s. 7: Levinson *v.* Powell [1967] 1 W.L.R. 1472, D.C.

Charitable Trusts Act (16 & 17 Vict. c. 137)—

s. 62: Neville Estates Ltd. *v.* Madden [1962] Ch. 832; [1961] 3 W.L.R. 999

1854 **Valuation (Ireland) Act Amendment Act** (17 & 18 Vict. c. 8)—

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1854–1877 **Real Estate Charges Acts** (Locke King's Acts)—

Allie *v.* Katah [1963] 1 W.L.R. 202, P.C.

1855 **Places of Worship Registration Act** (18 & 19 Vict. c. 81)

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1856 **Foreign Tribunals Evidence Act** (19 & 20 Vict. c. 113)—

s. 1: Penn-Texas Corpn. *v.* Murat Anstalt [1964] 1 Q.B. 40; [1963] 2 W.L.R. 111, C.A.

Penn-Texas Corpn. *v.* Murat Anstalt (No. 2) [1964] 2 Q.B. 647; [1964] 3 W.L.R. 131, C.A.

In re Extradition Act, 1870, *Ex parte* Treasury Solicitor [1969] 1 W.L.R. 12

ss. 1, 5: S. *v.* E. [1967] 1 Q.B. 367; [1967] 2 W.L.R. 704

1856 **Salisbury Railway and Market House Act** (19 & 20 Vict. c. xciii)—
In re Salisbury Railway and Market House Co. Ltd. [1969] 1 Ch. 349; [1967] 3 W.L.R. 651

1857 **Matrimonial Causes Act** (20 & 21 Vict. c. 85)—
s. 42: Whitehead *v.* Whitehead (orse. Vasbor) [1963] P. 117; [1962] 3 W.L.R. 884, C.A.

1858 **Chancery Amendment Act** (21 & 22 Vict. c. 27 (Lord Cairns' Act))—
s. 2: Sefton *v.* Tophams Ltd. [1964] 1 W.L.R. 1408

Ecclesiastical Leasing Act (21 & 22 Vict. c. 57)—
Ward *v.* Kirkland [1967] Ch. 194; [1966] 1 W.L.R. 601

1859 **Evidence by Commission Act** (22 Vict. c. 20)—
s. 1: Panthalu *v.* Ramnord Research Laboratories Ltd. [1966] 2 Q.B. 173; [1965] 3 W.L.R. 682, C.A.

1860 **Ecclesiastical Courts Jurisdiction Act** (23 & 24 Vict. c. 32)—
s. 2: Abrahams *v.* Cavey [1968] 1 Q.B. 479; [1967] 3 W.L.R. 1229, D.C.

1861 **Accessories and Abettors Act** (24 & 25 Vict. c. 94)—
s. 6: Reg. *v.* Tizard [1962] 2 Q.B. 608; [1962] 2 W.L.R. 652, C.C.A.
ss. 6, 8: Reg. *v.* Assim [1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.
s. 7: Reg. *v.* West [1964] 1 Q.B. 15; [1962] 3 W.L.R. 218, C.C.A.

Larceny Act (24 & 25 Vict. c. 96)—
s. 24: Wells *v.* Hardy [1964] 2 Q.B. 447; [1964] 2 W.L.R. 958, D.C.

Malicious Damage Act (24 & 25 Vict. c. 97)—
s. 2: Reg. *v.* Arthur [1968] 1 Q.B. 810; [1968] 2 W.L.R. 533
s. 41: Workman *v.* Cowper [1961] 2 Q.B. 143; [1961] 2 W.L.R. 386, D.C.

Offences against the Person Act (24 & 25 Vict. c. 100)—
s. 14: Reg. *v.* Grimwood [1962] 2 Q.B. 621; [1962] 3 W.L.R. 747, C.C.A.
Reg. *v.* Verolla [1963] 1 Q.B. 285; [1962] 3 W.L.R. 132
s. 16: Reg. *v.* Solanke [1970] 1 W.L.R. 1, C.A.
s. 18: Reg. *v.* Naismith [1961] 1 W.L.R. 952
ss. 18, 20: Reg. *v.* Hazeltine [1967] 2 Q.B. 857; [1967] 3 W.L.R. 209, C.A.
Reg. *v.* Mowatt [1968] 1 Q.B. 421; [1967] 3 W.L.R. 1192, C.A.
Reg. *v.* Roe [1967] 1 W.L.R. 634, C.A.
s. 31: Reg. *v.* Munks [1964] 1 Q.B. 304; [1963] 3 W.L.R. 952, C.C.A.
s. 34: Reg. *v.* Pearce [1966] 1 Q.B. 150; [1966] 3 W.L.R. 823, C.A.
s. 38: Reg. *v.* Waterfield [1964] 1 Q.B. 164; [1963] 3 W.L.R. 946, C.C.A.
s. 57: Reg. *v.* King [1964] 1 Q.B. 285; [1963] 3 W.L.R. 892, C.C.A.
Reg. *v.* Gould [1968] 2 Q.B. 65; [1968] 2 W.L.R. 643, C.A.
s. 59: Reg. *v.* Mills [1963] 1 Q.B. 522; [1963] 2 W.L.R. 137, C.C.A.

Wills Act (24 & 25 Vict. c. 114)—
ss. 1, 4: *In re* Manifold, decd. [1962] Ch. 1; [1961] 2 W.L.R. 456
s. 2: In the Estate of Fuld, decd. (No. 3) [1968] P. 675; [1966] 2 W.L.R. 717

1862 **Poaching Prevention Act** (25 & 26 Vict. c. 114)—
s. 2: Garman *v.* Plaice [1969] 1 W.L.R. 19, D.C.

1863 **Trustee Savings Banks Act** (26 & 27 Vict. c. 87)—
Knight & Searle *v.* Dove [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50

1864 **Fatal Accidents Act** (27 & 28 Vict. c. 95)—
s. 1: Cooper *v.* Williams [1963] 2 Q.B. 567; [1963] 2 W.L.R. 913, C.A.

1865 **Criminal Procedure Act** (28 & 29 Vict. c. 18)—
s. 4: Reg. *v.* Bashir [1969] 1 W.L.R. 1303

Colonial Laws Validity Act (28 & 29 Vict. c. 63)—
s. 2: Thornton *v.* The Police [1962] A.C. 339; [1962] 2 W.L.R. 1141, P.C.
Rediffusion (Hong Kong) Ltd. *v.* Attorney-General of Hong Kong [1970] A.C. 1136; [1970] 2 W.L.R. 1264, P.C.
ss. 2, 3: Liyanage *v.* The Queen [1967] 1 A.C. 259; [1966] 2 W.L.R. 682, P.C.

1868 **Documentary Evidence Act** (31 & 32 Vict. c. 37)—
s. 2 (as amended): Reg. *v.* Clarke [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505, C.A.

1869 **Debtors Act** (32 & 33 Vict. c. 62)—
s. 5: J. Cooke & Sons Ltd. (Trading as Drages) *v.* Binding [1961] 2 Q.B. 200; [1961] 3 W.L.R. 1, C.A.
s. 6: Felton *v.* Callis [1969] 1 Q.B. 200; [1968] 3 W.L.R. 952
s. 13 (1): Fisher *v.* Raven [1964] A.C. 210; [1963] 2 W.L.R. 1137, C.C.A. and H.L.(E.)
Reg. *v.* Thornton [1964] 2 Q.B. 176; [1963] 3 W.L.R. 444, C.C.A.
Reg. *v.* Amos [1961] 1 W.L.R. 308, C.C.A.
Reg. *v.* Torr [1966] 1 W.L.R. 52, C.C.A.
Reg. *v.* Inman [1967] 1 Q.B. 140; [1966] 3 W.L.R. 567, C.C.A.

Metropolitan Public Carriage Act (32 & 33 Vict. c. 115)—
s. 7: Newman *v.* Vincent [1962] 1 W.L.R. 1017, D.C.
Rose *v.* Welbeck Motors Ltd. [1962] 1 W.L.R. 1010, D.C.

1870 **Forfeiture Act** (33 & 34 Vict. c. 23)—
s. 4: Reg. *v.* Dorset Quarter Sessions, *Ex parte* Randall [1967] 2 Q.B. 222; [1967] 2 W.L.R. 25, D.C.
s. 4 (as amended): Reg. *v.* Forest Justices, *Ex parte* Coppin [1969] 1 W.L.R. 916, D.C.
Reg. *v.* Taylor [1969] 1 W.L.R. 919, C.A.

Apportionment Act (33 & 34 Vict. c. 35)—
s. 2: *In re* Aspinall, decd. [1961] Ch. 526; [1961] 3 W.L.R. 235
ss. 2, 4, 7: *In re* Joel's Will Trusts [1967] Ch. 14; [1966] 3 W.L.R. 209

Extradition Act (33 & 34 Vict. c. 52)—
s. 3: Reg. *v.* Governor of Brixton Prison, *Ex parte* Schtraks [1963] 1 Q.B. 55; [1962] 2 W.L.R. 976, D.C.; [1964] A.C. 556; [1962] 3 W.L.R. 1013, H.L.(E.)
ss. 3 (2), 10 (1), 14, 15 (3), 26: Reg. *v.* Governor of Brixton Prison, *Ex parte* Kotronis [1969] 3 W.L.R. 528, D.C.
ss. 7, 8, 10: Athanassiadis *v.* Government of Greece (Note) [1969] 3 W.L.R. 544, H.L.(E.)
s. 10: Reg. *v.* Governor of Brixton Prison, *Ex parte* Kotronis [1969] 3 W.L.R. 1107, H.L.(E.)
s. 19: Reg. *v.* Aubrey-Fletcher, *Ex parte* Ross-Munro [1968] 1 Q.B. 620; [1968] 2 W.L.R. 23, D.C.
s. 24: *In re* Extradition Act, 1870, *Ex parte* Treasury Solicitor [1969] 1 W.L.R. 12

1871 **Trade Union Act** (34 & 35 Vict. c. 31)—
s. 3: Faramus *v.* Film Artistes' Association [1963] 2 Q.B. 527; [1963] 2 W.L.R. 504, C.A.; [1964] A.C. 925; [1964] 2 W.L.R. 126, H.L.(E.)
ss. 8, 9, 14 (as amended): National Union of Railwaymen *v.* Registry of Friendly Societies [1968] 1 W.L.R. 69
s. 9: Keys *v.* Boulter [1970] 3 W.L.R. 1046, C.A.

Dogs Act (34 & 35 Vict. c. 56)—
s. 2: Reg. *v.* Dunmow Justices, *Ex parte* Anderson [1964] 1 W.L.R. 1039, D.C.
Reg. *v.* Leicester Justices, *Ex parte* Workman [1964] 1 W.L.R. 707, D.C.
Reg. *v.* Jones, *Ex parte* Daunton [1963] 1 W.L.R. 270, D.C.
Keddle *v.* Payn [1964] 1 W.L.R. 262, D.C.
Smith *v.* Baker [1961] 1 W.L.R. 38, D.C.

Prevention of Crimes Act (34 & 35 Vict. c. 112)—
s. 12: Piddington *v.* Bates [1960] 1 W.L.R. 162, D.C.

1872 **Review of Justices' Decisions Act** (35 & 36 Vict. c. 26)—
s. 2: Bond *v.* Bond [1967] P. 39; [1965] 2 W.L.R. 1008, D.C.

Licensing Act (35 & 36 Vict. c. 94)—
s. 12: Osgerby *v.* Rushton [1968] 2 Q.B. 466; [1968] 3 W.L.R. 438, D.C.

1873 **Places of Worship Sites Act** (36 & 37 Vict. c. 50)—
s. 1: Imperial Tobacco Co. (of Great Britain and Ireland) Ltd. *v.* Wilmott [1964] 1 W.L.R. 902

1875 **Public Health Act** (38 & 39 Vict. c. 55)—
s. 164: Blake *v.* Hendon Corpn. [1962] 1 Q.B. 283; [1961] 3 W.L.R. 951, C.A.

Conspiracy and Protection of Property Act (38 & 39 Vict. c. 86)—
s. 7: Piddington *v.* Bates [1960] 1 W.L.R. 162, D.C.

Land Transfer Act (38 & 39 Vict. c. 87)—
s. 13: *In re* King, decd. [1962] 1 W.L.R. 632

1878 **Customs and Inland Revenue Act** (41 & 42 Vict. c. 15)—
s. 12: Macsaga Investment Co. Ltd. *v.* Lupton [1967] Ch. 167; [1966] 3 W.L.R. 1184

Bills of Sale Act (41 & 42 Vict. c. 31)—
ss. 4, 8: Koppel *v.* Koppel. Wide, Claimant [1966] 1 W.L.R. 802, C.A.

Territorial Waters Jurisdiction Act (41 & 42 Vict. c. 73)—
ss. 2, 5, 7: Reg. *v.* Kent Justices, *Ex parte* Lye [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765, D.C.

Telegraph Act (41 & 42 Vict. c. 76)—
s. 4: Cartwright *v.* Post Office [1968] 2 Q.B. 439; [1968] 3 W.L.R. 63
s. 4 (as substituted): Cartwright *v.* Post Office [1969] 2 Q.B. 62; [1969] 2 W.L.R. 323, C.A.

1881 **Customs and Inland Revenue Act** (44 & 45 Vict. c. 12)—
s. 38 (2) (as amended): Ralli Bros. Trustee Co. Ltd. *v.* Inland Revenue Comrs. [1968] Ch. 215; [1967] 3 W.L.R. 1274

Conveyancing and Law of Property Act (44 & 45 Vict. c. 41)—
s. 6 (1): White *v.* Taylor (No. 2) [1969] 1 Ch. 160; [1968] 2 W.L.R. 1402
s. 14 (1): Premchand Nathu & Co. Ltd. *v.* Land Officer [1963] A.C. 177; [1963] 2 W.L.R. 99, P.C.

Veterinary Surgeons Act (44 & 45 Vict. c. 62)—
s. 6: Marten *v.* Royal College of Veterinary Surgeons' Disciplinary Committee [1966] 1 Q.B. 1; [1965] 2 W.L.R. 1228, D.C.

1881 **Fugitive Offenders Act** (44 & 45 Vict. c. 69)—

ss. 2, 5, 10: Reg. *v.* Governor of Brixton Prison, *Ex parte* Mourat Mehmet [1962] 2 Q.B. 1; [1962] 2 W.L.R. 686, D.C.

ss. 2, 10, 29, 39: Reg. *v.* Governor of Brixton Prison, *Ex parte* Armah [1968] A.C. 192; [1966] 3 W.L.R. 23, D.C.

ss. 2, 36, 39: Reg. *v.* Secretary of State for Home Affairs, *Ex parte* Demetrious [1966] 2 Q.B. 194; [1966] 2 W.L.R. 1066, D.C.

ss. 5, 9: Reg. *v.* Governor of Brixton Prison, *Ex parte* Sadri [1962] 1 W.L.R. 1304, D.C.

ss. 5, 10: Reg. *v.* Governor of Brixton Prison, *Ex parte* Armah [1968] A.C. 192; [1966] 3 W.L.R. 828, H.L.(E.)

s. 6: Reg. *v.* Governor of Brixton Prison, *Ex parte* Enahoro [1963] 2 Q.B. 455; [1963] 2 W.L.R. 1260, D.C.

s. 10: Reg. *v.* Governor of Brixton Prison, *Ex parte* Naranjan Singh [1962] 1 Q.B. 211; [1961] 2 W.L.R. 980, D.C.

Zacharia *v.* Republic of Cyprus [1963] A.C. 634; [1962] 2 W.L.R. 1163, D.C. and H.L.(E.)

ss. 29, 39: Reg. *v.* Governor of Brixton Prison, *Ex parte* Caldough [1961] 1 W.L.R. 464, D.C.

1882 **Municipal Corporations Act** (45 & 46 Vict. c. 50)—

s. 191 (4): Ridge *v.* Baldwin [1963] 1 Q.B. 539; [1961] 2 W.L.R. 1054; [1962] 2 W.L.R. 716, C.A.; [1964] A.C. 40; [1963] 2 W.L.R. 935, H.L.(E.)

Electric Lighting Act (45 & 46 Vict. c. 56)—

s. 12 (as amended): Haley *v.* London Electricity Board [1964] 2 Q.B. 121; [1964] 2 W.L.R. 444, C.A.

Bills of Exchange Act (45 & 46 Vict. c. 61)—

ss. 2, 8 (3): Midland Bank Ltd. *v.* R. V. Harris Ltd. [1963] 1 W.L.R. 1021

s. 3, 82: Orbit Mining and Trading Co. Ltd. *v.* Westminster Bank Ltd. [1963] 1 Q.B. 794; [1962] 3 W.L.R. 1256, MacKenna J. and C.A.

ss. 11, 83 (1): Williamson *v.* Rider [1963] 1 Q.B. 89; [1962] 3 W.L.R. 119, C.A.

ss. 20, 49, rr. (12), (13): Lombard Banking Ltd. *v.* Central Garage and Engineering Co. Ltd. [1963] 1 Q.B. 220; [1962] 3 W.L.R. 1199

ss. 27 (1) (3), 29, 30 (2): Barclays Bank Ltd. *v.* Astley Industrial Trust Ltd. [1970] 2 Q.B. 527; [1970] 2 W.L.R. 876

s. 27 (2): Diamond *v.* Graham [1968] 1 W.L.R. 1061, C.A.

s. 29 (1): *In re* Keever (A Bankrupt), *Ex parte* Trustee of the Property of the Bankrupt *v.* Midland Bank Ltd. [1967] Ch. 182; [1966] 3 W.L.R. 779

ss. 29, 56: Yeoman Credit Ltd. *v.* Gregory [1963] 1 W.L.R. 343

Married Women's Property Act (45 & 46 Vict. c. 75)—

s. 17: Spellman *v.* Spellman [1961] 1 W.L.R. 921, C.A.

Hine *v.* Hine [1962] 1 W.L.R. 1124, C.A.

Crystall *v.* Crystall [1963] 1 W.L.R. 574, C.A.; Wilson *v.* Wilson [1963] 1 W.L.R. 601, C.A.

Rawlings *v.* Rawlings [1964] P. 398; [1964] 3 W.L.R. 294, C.A.

Appleton *v.* Appleton [1965] 1 W.L.R. 25, C.A.

Strachan *v.* Strachan [1965] 1 W.L.R. 646, C.A.

Bedson *v.* Bedson [1965] 2 Q.B. 666; [1965] 3 W.L.R. 891, C.A.

Jansen *v.* Jansen [1965] P. 478; [1965] 3 W.L.R. 875, C.A.

Halden *v.* Halden [1966] 1 W.L.R. 1481, C.A.

Practice Direction (Married Women's Property Act, 1882: Originating Summons) [1968] 1 W.L.R. 772

Button *v.* Button [1968] 1 W.L.R. 457, C.A.

Pettitt *v.* Pettitt [1968] 1 W.L.R. 443, C.A.; [1970] A.C. 777; [1969] 2 W.L.R. 966, H.L.(E.)

Protheroe *v.* Protheroe [1968] 1 W.L.R. 519, C.A.

Chapman *v.* Chapman [1969] 1 W.L.R. 1367, C.A.

Gissing *v.* Gissing [1969] 2 Ch. 85; [1969] 2 W.L.R. 525, C.A.

Falconer *v.* Falconer [1970] 1 W.L.R. 1333, C.A.

Smith *v.* Baker [1970] 1 W.L.R. 1160, C.A.

Muetzel *v.* Muetzel [1970] 1 W.L.R. 188, C.A.

Razelos *v.* Razelos (No. 2) [1970] 1 W.L.R. 392

1883 **Explosive Substances Act** (46 & 47 Vict. c. 3)—

s. 4 (1): Reg. *v.* McCarthy [1964] 1 W.L.R. 196, C.C.A.

Revenue Act (46 & 47 Vict. c. 55)—

s. 17: Orbit Mining and Trading Co. Ltd. *v.* Westminster Bank Ltd. [1963] 1 Q.B. 794; [1962] 3 W.L.R. 1256, MacKenna J. and C.A.

1884 **Disused Burial Grounds Act** (47 & 48 Vict. c. 72)—

s. 3: *In re* St. Peter the Great, Chichester [1961] 1 W.L.R. 907

In re Jewison's Will Trusts [1962] Ch. 414; [1961] 3 W.L.R. 1290

In re St. Mary's, Luton [1967] P. 151; [1966] 3 W.L.R. 532; [1968] P. 47; [1966] 3 W.L.R. 1171

1885 **Prevention of Crimes Amendment Act** (48 & 49 Vict. c. 75)—

s. 2: Piddington *v.* Bates [1961] 1 W.L.R. 162, D.C.

s. 3: Gelberg *v.* Miller [1961] 1 W.L.R. 153, D.C.

1886 **Guardianship of Infants Act** (49 & 50 Vict. c. 27)—
In re H. (G. J.) (An Infant) [1966] 1 W.L.R. 706
In re P. (Infants) [1967] 1 W.L.R. 818
Practice Direction (Guardianship of Infants) [1967] 1 W.L.R. 897
In re E. (P.) (An Infant) [1968] 1 W.L.R. 1913, C.A.
s. 5: *In re* W. (An Infant) [1963] Ch. 556; [1963] 2 W.L.R. 1471; [1964] Ch. 202; [1963] 3 W.L.R. 789, C.A.

Riot (Damages) Act (49 & 50 Vict. c. 38)—
s. 2 (1): J. W. Dwyer Ltd. *v.* Metropolitan Police District Receiver [1967] 2 Q.B. 970; [1967] 3 W.L.R. 731

1887 **Merchandise Marks Act** (50 & 51 Vict. c. 28)—
s. 2: Towers & Co. Ltd. *v.* Gray [1961] 2 Q.B. 351; [1961] 2 W.L.R. 553, D.C.
ss. 2 (1) (*d*) (*f*) (2), 5: Shulton (Great Britain) Ltd. *v.* Slough Borough Council [1967] 2 Q.B. 471; [1967] 2 W.L.R. 1289, D.C.
ss. 2 (1) (2), 5 (1): Preston *v.* Albuery [1964] 2 Q.B. 796; [1964] 2 W.L.R. 218, D.C.
ss. 2 (2), 3 (as amended): Kingston-upon-Thames Royal London Borough Council *v.* F. W. Woolworth & Co. Ltd. [1968] 1 Q.B. 802; [1968] 2 W.L.R. 223, D.C.

Open Spaces Act (50 & 51 Vict. c. 32)—
s. 4: *In re* St. Peter the Great, Chichester [1961] 1 W.L.R. 907
In re Jewison's Will Trusts [1962] Ch. 414; [1961] 3 W.L.R. 1290

British Settlements Act (50 & 51 Vict. c. 54)—
s. 2: Buck *v.* Attorney-General [1965] Ch. 745; [1964] 3 W.L.R. 850; [1965] Ch. 745; [1965] 2 W.L.R. 1033, C.A.
ss. 2, 5: Sabally and N'Jie *v.* Attorney-General [1965] 1 Q.B. 273; [1964] 3 W.L.R. 732, C.A.

Coroners Act (50 & 51 Vict. c. 71)—
s. 6 (1) (*b*): *In re* Davis, decd. [1968] 1 Q.B. 72; [1967] 2 W.L.R. 1089, C.A.

1888 **Railway and Canal Traffic Act** (51 & 52 Vict. c. 25)—
s. 17: Merchandise Transport Ltd. *v.* British Transport Commission. Arnold Transport (Rochester) Ltd. *v.* British Transport Commission [1962] 2 Q.B. 173; [1961] 3 W.L.R. 1358, C.A.

County Courts Act (51 & 52 Vict. c. 43)—
s. 139: Alnwick Rural District Council *v.* Taylor [1966] Ch. 355; [1966] 2 W.L.R. 770

Oaths Act (51 & 52 Vict. c. 46)—
s. 1: Reg. *v.* Clark [1962] 1 W.L.R. 180, C.C.A.

Law of Libel Amendment Act (51 & 52 Vict. c. 64)—
s. 3: McCarey *v.* Associated Newspapers Ltd. [1964] 1 W.L.R. 855

1889 **Factors Act** (52 & 53 Vict. c. 45)—
ss. 1 (1), 2 (1): Belvoir Finance Co. Ltd. *v.* Harold G. Cole & Co. Ltd. [1969] 1 W.L.R. 1877
s. 2: Lloyds & Scottish Finance Ltd. *v.* Williamson [1965] 1 W.L.R. 404, C.A.
s. 2 (1) (4): Stadium Finance Ltd. *v.* Robbins [1962] 2 Q.B. 664; [1962] 3 W.L.R. 453, C.A.
ss. 2 (2), 9: Newtons of Wembley Ltd. *v.* Williams [1964] 1 W.L.R. 1028; [1965] 1 Q.B. 560; [1964] 3 W.L.R. 888, C.A.

Regulation of Railways Act (52 & 53 Vict. c. 57)—
s. 5: Bremme *v.* Dubery [1964] 1 W.L.R. 119, D.C.

Interpretation Act (52 & 53 Vict. c. 63)—
s. 1 (1): Annicola Investments Ltd. *v.* Minister of Housing and Local Government [1968] 1 Q.B. 631; [1966] 2 W.L.R. 1204
s. 2 (1): Rolloswin Investments Ltd. *v.* Chromolit Portugal Cutelarias e Productos Metalicos, S.A.R.L. [1970] 1 W.L.R. 912
ss. 13 (11), 38 (1): Reg. *v.* East Riding of Yorkshire Quarter Sessions, *Ex parte* Newton [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098, D.C. and C.A.
s. 18 (1): Navigators and General Insurance Co. Ltd. *v.* Ringrose [1962] 1 W.L.R. 173, C.A.
s. 26: Moody *v.* Godstone Rural District Council [1966] 1 W.L.R. 1085, D.C.
White *v.* Weston [1968] 2 Q.B. 647; [1968] 2 W.L.R. 1459, C.A.
Practice Direction (Central Office: First and Second Class Mail) [1968] 1 W.L.R. 1489
Practice Direction (Admiralty Registry: First and Second Class Mail) [1968] 1 W.L.R. 1726
Cooper *v.* Scott-Farnell [1969] 1 W.L.R. 120, C.A.
Hewitt *v.* Leicester Corpn. [1969] 1 W.L.R. 855, C.A.
s. 38: Director of Public Works *v.* Ho Po Sang [1961] A.C. 901; [1961] 3 W.L.R. 39, P.C.
s. 38 (2): Reg. *v.* Fisher (Charles) [1969] 1 W.L.R. 8, C.A.

Wisbech Corporation Act (52 & 53 Vict. c. cxxxvii)—
s. 30: Garland & Flexman *v.* Wisbech Corpn. [1962] 1 Q.B. 151; [1961] 3 W.L.R. 755

1890 **Foreign Jurisdiction Act** (53 & 54 Vict. c. 37)—
- s. 5 (1) (2), Sch. 1: Reg. *v.* Secretary of State for Home Affairs, *Ex parte* Demetrious [1966] 2 Q.B. 194; [1966] 2 W.L.R. 1066, D.C.
- s. 10: Sabally and N'Jie *v.* Attorney-General [1965] 1 Q.B. 273; [1964] 3 W.L.R. 732, C.A.

Partnership Act (53 & 54 Vict. c. 39)—
- s. 5: Mann *v.* D'Arcy [1968] 1 W.L.R. 893
- s. 10: Meekins *v.* Henson [1964] 1 Q.B. 472; [1962] 3 W.L.R. 299
- ss. 29 (1), 42 (1): Pathirana *v.* Pathirana [1967] 1 A.C. 233; [1966] 3 W.L.R. 666, P.C.

Public Health Acts Amendment Act (53 & 54 Vict. c. 59)—
- s. 51: Jeffrey *v.* Evans [1964] 1 W.L.R. 505, D.C.
    - Reg. *v.* East Riding of Yorkshire Quarter Sessions, *Ex parte* Newton [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098, D.C. and C.A.
    - Severn View Social Club and Institute Ltd. *v.* Chepstow (Monmouthshire) Justices [1968] 1 W.L.R. 1512, D.C.
    - Beynon *v.* Lower Caerphilly Licensing Justices [1970] 1 W.L.R. 369, D.C.
- s. 51 (1) (2): Whitehead *v.* Haines [1965] 1 Q.B. 200; [1964] 3 W.L.R. 197, D.C.

1891 **Stamp Act** (54 & 55 Vict. c. 39)—
- ss. 1, 54, 59 (1): Wm. Cory & Son Ltd. *v.* Inland Revenue Comrs. [1964] 1 W.L.R. 1332, C.A.; [1965] A.C. 1088; [1965] 2 W.L.R. 924, H.L.(E.)
- ss. 1, 77 (5), Sch. 1: Gable Construction Co. Ltd. *v.* Inland Revenue Comrs. [1968] 1 W.L.R. 1426
- s. 54: Henty and Constable (Brewers) Ltd. *v.* Inland Revenue Comrs. [1961] 1 W.L.R. 1018; [1961] 1 W.L.R. 1504, C.A.
- s. 54, Sch. 1: Ridge Nominees *v.* Inland Revenue Comrs. [1962] Ch. 376; [1961] 3 W.L.R. 393; [1962] 2 W.L.R. 3, C.A.
- ss. 54, 59 (1), Sch. 1: Wm. Cory & Son Ltd. *v.* Inland Revenue Comrs. [1964] 1 W.L.R. 529
- Sch. 1: Littlewoods Mail Order Stores Ltd. *v.* Inland Revenue Comrs. [1961] Ch. 210; [1961] 2 W.L.R. 25; [1961] Ch. 597; [1961] 3 W.L.R. 509, C.A.; [1963] A.C. 135; [1962] 2 W.L.R. 1228, H.L.(E.)
    - Ansbacher (Henry) & Co. *v.* Inland Revenue Comrs. [1961] 1 W.L.R. 1171, C.A.; [1963] A.C. 191; [1962] 3 W.L.R. 1292, H.L.(E.)
    - Fitch Lovell Ltd. *v.* Inland Revenue Comrs. [1962] 1 W.L.R. 1325
    - British-Italian Corpn. *v.* Inland Revenue Comrs. [1963] A.C. 211; [1962] 3 W.L.R. 1300, C.A.

Slander of Women Act (54 & 55 Vict. c. 51)—
- s. 1: Russo *v.* Cole [1966] 1 W.L.R. 248

Penal Servitude Act (54 & 55 Vict. c. 69)—
- s. 7: Cosh *v.* Isherwood [1968] 1 W.L.R. 48, D.C.

1892 **Gaming Act** (55 & 56 Vict. c. 9)—
- s. 1: C.H.T. Ltd. *v.* Ward [1963] 1 W.L.R. 922; [1965] 2 Q.B. 63; [1963] 3 W.L.R. 1071, C.A.

Foreign Marriage Act (55 & 56 Vict. c. 23)—
- Collett *v.* Collett [1968] P. 482; [1967] 3 W.L.R. 280

1893 **Public Authorities Protection Act** (56 & 57 Vict. c. 61)—
- s. 1: Burmah Oil Co. Ltd. *v.* Lord Advocate [1965] A.C. 75; [1964] 2 W.L.R. 1231, H.L.(Sc.)

Sale of Goods Act (56 & 57 Vict. c. 71)—
- s. 11 (1) (*c*): Rosenthal & Sons Ltd. *v.* Esmail [1965] 1 W.L.R. 1117, H.L.(E.)
- s. 13: Beale *v.* Taylor [1967] 1 W.L.R. 1193, C.A.
- ss. 13, 14 (1): Teheran-Europe Co. Ltd. *v.* S. T. Belton (Tractors) Ltd. [1968] 2 Q.B. 545; [1968] 3 W.L.R. 205, C.A.
- s 14 (1): Teheran-Europe Co. Ltd. *v.* S. T. Belton (Tractors) Ltd. [1968] 2 Q.B. 53; [1968] 2 W.L.R. 523
    - Vacwell Engineering Co. Ltd. *v.* B.D.H. Chemicals Ltd. [1969] 3 W.L.R. 927; (Note) [1970] 3 W.L.R. 67, C.A.
- s. 14 (1) (2): Bartlett *v.* Sidney Marcus Ltd. [1965] 1 W.L.R. 1013, C.A.
    - Marsh & Murrell Ltd. *v.* Joseph I. Emanuel Ltd. [1961] 1 W.L.R. 862; [1962] 1 W.L.R. 16, C.A.
    - Hardwick Game Farm *v.* Suffolk Agricultural Poultry Producers Association [1966] 1 W.L.R. 287, C.A.; [1969] 2 A.C. 31; [1968] 3 W.L.R. 110, H.L.(E.)
- s. 14 (2): B. S. Brown & Son Ltd. *v.* Craiks Ltd. [1970] 1 W.L.R. 752, H.L.(Sc.)
- ss. 17 (2), 18, r. 1: Lacis *v.* Cashmarts [1969] 2 Q.B. 400; [1969] 2 W.L.R. 329, D.C.
- s. 18: Koppel *v.* Koppel. Wide, Claimant [1966] 1 W.L.R. 802, C.A.
- s. 18, r. 4: Poole *v.* Smith's Car Sales (Balham) Ltd. [1962] 1 W.L.R. 744, C.A.
- s. 18, r. 5 (1): Reg. *v.* Sutton [1966] 1 W.L.R. 236, C.C.A.
- ss. 18, r. 5, 20, 29 (3): Wardar's (Import & Export) Co. Ltd. *v.* W. Norwood & Sons Ltd. [1968] 2 Q.B. 663; [1968] 2 W.L.R. 1440, C.A.
- s. 21 (1): Mercantile Credit Co. Ltd. *v.* Hamblin [1965] 2 Q.B. 242; [1964] 3 W.L.R. 798, C.A.

1893 **Sale of Goods Act**—*continued.*
s. 23: Car and Universal Finance Co. Ltd. *v.* Caldwell [1965] 1 Q.B. 525; [1964] 2 W.L.R. 600, Lord Denning M.R. and C.A.
ss. 26 (1), 53 (2): Lloyds and Scottish Finance Ltd. *v.* Modern Cars and Caravans (Kingston) Ltd. [1966] 1 Q.B. 764; [1964] 3 W.L.R. 859
s. 48: R. V. Ward Ltd. *v.* Bignall [1967] 1 Q.B. 534; [1967] 2 W.L.R. 1050, C.A.
s. 51 (3): R. Pagnan & Fratelli *v.* Corbisa Industrial Agropacuaria Limitada [1970] 1 W.L.R. 1306, C.A.

1894 **Local Government Act** (56 & 57 Vict. c. 73)—
s. 6 (1) (*a*): Wyld *v.* Silver [1962] Ch. 561; [1961] 3 W.L.R. 1303; [1963] Ch. 243; [1962] 3 W.L.R. 841, C.A.

Finance Act (57 & 58 Vict. c. 30)—
ss. 1, 2 (1) (*a*) (*b*), 22 (1) (*l*): *In re* Ralli's Settlements [1965] Ch. 265; [1964] 2 W.L.R. 1351; [1965] Ch. 286; [1964] 3 W.L.R. 1240, C.A.; [1966] A.C. 520; [1966] 2 W.L.R. 1129, H.L.(E.)
In re Kirkwood [1964] Ch. 527; [1964] 2 W.L.R. 680; [1965] Ch. 286; [1964] 3 W.L.R. 1240, C.A.; [1966] A.C. 520; [1966] 2 W.L.R. 136, H.L.(E.)
ss. 1, 2 (1) (*b*) (3): *In re* Doughty's Settlement [1964] Ch. 89; [1963] 2 W.L.R. 1452; [1964] Ch. 105; [1963] 1 W.L.R. 1434, C.A.
ss. 1, 2 (1) (*b*) (*c*), 3, 10 (3): *In re* Harmsworth, decd. [1967] Ch. 826; [1966] 3 W.L.R. 1077; [1967] Ch. 826; [1967] 3 W.L.R. 152, C.A.
ss. 1, 2 (1) (*b*), 7 (7): *In re* Harris's Will Trusts [1966] Ch. 475; [1966] 2 W.L.R. 608
Gartside *v.* Inland Revenue Comrs. [1967] Ch. 543; [1966] 3 W.L.R. 759; [1968] A.C. 553; [1967] 3 W.L.R. 671, C.A.; [1968] A.C. 553; [1968] 2 W.L.R. 277, H.L.(E.)
ss. 1, 2 (1) (*d*): General Accident, Fire and Life Assurance Corpn. Ltd. *v.* Inland Revenue Comrs. [1963] 1 W.L.R. 421; [1963] 1 W.L.R. 1207, C.A.
ss. 1, 2 (1), 7 (7): *In re* Weir's Settlement Trusts [1969] 1 Ch. 657; [1968] 3 W.L.R. 1010; [1969] 3 W.L.R. 860, C.A.
s. 2: *In re* Kettle's Gift [1968] 1 W.L.R. 1459
s. 2 (1) (*c*): Rennell *v.* Inland Revenue Comrs. [1962] Ch. 329; [1961] 3 W.L.R. 1322, C.A.
ss. 2 (1) (*c*), 4 (as amended): Ralli Bros. Trustee Co. Ltd. *v.* Inland Revenue Comrs. [1968] Ch. 215; [1967] 3 W.L.R. 1274
s. 2 (1) (*d*): Morgan *v.* Inland Revenue Comrs. [1963] Ch. 438; [1963] 2 W.L.R. 416, C.A.
ss. 2 (1) (*d*), 22 (1) (*j*) (*l*): *In re* Kilpatrick's Policies Trusts [1966] Ch. 730; [1966] 2 W.L.R. 1346, Cross J. and C.A.
s. 5 (2): Coutts & Co. *v.* Inland Revenue Comrs. [1962] Ch. 305; [1961] 3 W.L.R. 781; [1963] Ch. 135; [1962] 3 W.L.R. 347, C.A.; [1964] A.C. 1393; [1963] 2 W.L.R. 1407, H.L.(E.)
s. 7 (5): *In re* Sutherland, decd. [1963] A.C. 235; [1961] 3 W.L.R. 1062, H.L.(E.)
Buccleuch (Duke) *v.* Inland Revenue Comrs. [1966] 1 Q.B. 851; [1965] 3 W.L.R. 977, C.A.; [1967] 1 A.C. 506; [1967] 2 W.L.R. 207, H.L.(E.)
In re Lynall, decd. [1969] 1 Ch. 421; [1968] 3 W.L.R. 1056; [1970] Ch. 138; [1969] 3 W.L.R. 771, C.A.
ss. 7 (1) (*b*), 8 (4), 9 (6), 20 (2): *In re* Latham, decd. [1962] Ch. 616; [1961] 1 W.L.R. 1154
ss. 8 (4), 9 (1), 14 (1): *In re* Maryon-Wilson's Will Trusts [1968] Ch. 268; [1967] 3 W.L.R. 1476
s. 14 (1): *In re* Paulet's Will Trusts [1969] 1 Ch. 552; [1967] 2 W.L.R. 930
s. 16 (3) (as amended): Rivington *v.* Inland Revenue Comrs. [1964] Ch. 149; [1963] 3 W.L.R. 815

Merchant Shipping Act (57 & 58 Vict. c. 60)—
s. 376 (1) (*e*): Page *v.* Williams [1965] 1 W.L.R. 16, D.C.
s. 503: The Arabert (Limitation) [1963] P. 102; [1961] 3 W.L.R. 215
The Bramley Moore [1964] P. 200; [1963] 2 W.L.R. 1389; [1964] P. 200; [1964] 2 W.L.R. 259, C.A.
The The Lady Gwendolen [1965] P. 294; [1964] 3 W.L.R. 1062; [1965] P. 294; [1965] 3 W.L.R. 91, C.A.
The Annie Hay [1968] P. 341; [1962] 2 W.L.R. 353
s. 503 (1) (as amended): The Tojo Maru [1970] P. 21; [1969] 2 W.L.R. 594; [1970] P. 21; [1969] 3 W.L.R. 902, C.A.
s. 736: Western Transport Pty. Ltd. *v.* Kropp [1965] A.C. 914; [1964] 3 W.L.R. 1082, P.C.

1895 **Finance Act** (58 & 59 Vict. c. 16)—
s. 12: Ridge Nominees Ltd. *v.* Inland Revenue Comrs. [1962] Ch. 376; [1962] 2 W.L.R. 3, C.A.

Summary Jurisdiction (Married Women) Act (58 & 59 Vict. c. 39)—
ss. 4, 6: Naylor *v.* Naylor [1962] P. 253; [1961] 2 W.L.R. 751, D.C.

1896 **Friendly Societies Act** (59 & 60 Vict. c. 25)—
s. 87 (3) (as amended): Beeches Workingmen's Club and Institute Trustees *v.* Scott [1969] 1 W.L.R. 550, C.A.

1896 **Judicial Trustees Act** (59 & 60 Vict. c. 35)—
s. 1 (1) (2): *In re* Wells, decd. [1968] 1 W.L.R. 44

Light Railways Act (59 & 60 Vict. c. 48)—
ss. 7, 8, 9 (1), 24: Rother Valley Railway Co. Ltd. *v.* Ministry of Transport [1970] 2 W.L.R. 1041; [1970] 3 W.L.R. 909, C.A.

1897 **Police (Property) Act** (60 & 61 Vict. c. 30)—
s. 1: Irving *v.* National Provincial Bank Ltd. [1962] 2 Q.B. 73; [1962] 2 W.L.R. 503, C.A.

1898 **Criminal Evidence Act** (61 & 62 Vict. c. 36)—
s. 1: Reg. *v.* Boal [1965] 1 Q.B. 402; [1964] 3 W.L.R. 593, C.C.A.
s. 1 (*e*) (*f*): Jones *v.* Director of Public Prosecutions [1962] A.C. 635; [1962] 2 W.L.R. 575, C.C.A. and H.L.(E.)
s. 1 (*f*) (ii): Reg. *v.* Flynn [1963] 1 Q.B. 729; [1961] 3 W.L.R. 907, C.C.A.
Reg. *v.* Selvey [1968] 1 Q.B. 706; [1967] 3 W.L.R. 1637, C.A.; [1970] A.C. 304; [1968] 2 W.L.R. 1494, H.L.(E.)
s. 1 (*f*) (iii): Reg. *v.* Ellis [1961] 1 W.L.R. 1064, C.C.A.
Reg. *v.* Stannard [1965] 2 Q.B. 1; [1964] 2 W.L.R. 461, C.C.A.
Murdoch *v.* Taylor [1965] A.C. 574; [1965] 2 W.L.R. 425, H.L.(E.)
Reg. *v.* Russell (George) [1970] 3 W.L.R. 977, C.A.
s. 4 (1): Reg. *v.* Verolla [1963] 1 Q.B. 285; [1962] 3 W.L.R. 132

1899 **Small Dwellings Acquisition Act** (62 & 63 Vict. c. 44)—
ss. 4 (1), 5 (1): Mexborough Urban District Council *v.* Harrison [1964] 1 W.L.R. 733
s. 5 (5): Alnwick Rural District Council *v.* Taylor [1966] Ch. 355; [1966] 2 W.L.R. 770

Interpretation Act (52 & 53 Vict. c. 63)—
s. 3: Athanassiadis *v.* Government of Greece (Note) [1969] 3 W.L.R. 544, H.L.(E.)

1900 **Commonwealth of Australia Constitution Act** (63 & 64 Vict. c. 12)—
ss. 74, 90: Dennis Hotels Pty. Ltd. *v.* State of Victoria [1962] A.C. 25; [1961] 3 W.L.R. 268, P.C.

Merchant Shipping (Liability of Shipowners and Others) Act (63 & 64 Vict. c. 32)—
s. 1: The Arabert (Limitation) [1963] P. 102; [1961] 3 W.L.R. 215

Moneylenders Act (63 & 64 Vict. c. 51)—
s. 6 (*a*) (*e*): North Central Wagon Finance Co. Ltd. *v.* Brailsford [1962] 1 W.L.R. 1288
s. 6 (*b*): United Dominions Trust Ltd. *v.* Kirkwood [1966] 1 Q.B. 783; [1965] 3 W.L.R. 817
s. 6 (*d*): Premor Ltd. *v.* Shaw Brothers [1964] 1 W.L.R. 978, C.A.
United Dominions Trust Ltd. *v.* Kirkwood [1966] 2 Q.B. 431; [1966] 2 W.L.R. 1083, C.A.
Frank H. Wright (Constructions) Ltd. *v.* Frodoor Ltd. [1967] 1 W.L.R. 506

1905 **Trade Marks Act** (5 Edw. 7, c. 15)—
s. 48: *In re* Svenska Aktiebolaget Gasaccumulator's Application [1962] 1 W.L.R. 657, C.A.

1906 **Prevention of Corruption Act** (6 Edw. 7, c. 34)—
s. 1: Reg. *v.* Newbould [1962] 2 Q.B. 102; [1962] 2 W.L.R. 648

Marine Insurance Act (6 Edw. 7, c. 41)—
s. 79 (1): Yorkshire Insurance Co. Ltd. *v.* Nisbet Shipping Co. Ltd. [1962] 2 Q.B. 330; [1961] 2 W.L.R. 1043

Street Betting Act (6 Edw. 7, c. 43)—
s. 1 (1): Bland *v.* Cowan [1963] 2 Q.B. 735; [1963] 2 W.L.R. 1049, D.C.

Trade Disputes Act (6 Edw. 7, c. 47)—
ss. 1, 3: Rookes *v.* Barnard [1963] 1 Q.B. 623; [1961] 3 W.L.R. 438; [1964] A.C. 1129; [1964] 2 W.L.R. 269, H.L.(E.)
J. T. Stratford & Son Ltd. *v.* Lindley [1965] A.C. 269; [1964] 2 W.L.R. 1002, C.A.
s. 2 (1): Piddington *v.* Bates (1961) 1 W.L.R. 162, D.C.
Tynan *v.* Balmer [1967] 1 Q.B. 91; [1966] 2 W.L.R. 1181, D.C.
s. 3: Emerald Construction Co. Ltd. *v.* Lowthian [1966] 1 W.L.R. 691, C.A.
ss. 3, 4, 5 (3): Camden Exhibition & Display Ltd. *v.* Lynott [1966] 1 Q.B. 555; [1965] 3 W.L.R. 763, C.A.
ss. 3, 4 (1), 5 (3): Torquay Hotel Co. Ltd. *v.* Cousins [1969] 2 Ch. 106; [1969] 2 W.L.R. 289, C.A.
ss. 3, 5: Morgan *v.* Fry [1968] 1 Q.B. 521; [1967] 3 W.L.R. 65; [1968] 2 Q.B. 710; [1968] 3 W.L.R. 506, C.A.
s. 4 (1): Boulting *v.* Association of Cinematograph, Television and Allied Technicians [1963] 2 Q.B. 606; [1963] 2 W.L.R. 529, C.A.
ss. 4 (1), 5 (3): Torquay Hotel Co. Ltd. *v.* Cousins [1969] 2 Ch. 106; [1968] 3 W.L.R. 540
s. 5 (3): J. T. Stratford & Son Ltd. *v.* Lindley [1965] A.C. 269; [1964] 3 W.L.R. 541, H.L.(E.)

Public Trustee Act (6 Edw. 7, c. 55)—
s. 4: *In re* Brooke Bond & Co. Ltd.'s Trust Deed [1963] Ch. 357; [1963] 2 W.L.R. 320
s. 10 (1): *In re* Wilson, decd. [1964] 1 W.L.R. 214

1907 **Evidence (Colonial Statutes) Act** (7 Edw. 7, c. 16)—
Jasiewicz *v.* Jasiewicz [1962] 1 W.L.R. 1426

Criminal Appeal Act (7 Edw. 7, c. 23)—
s. 3: *Ex parte* Hinds [1961] 1 W.L.R. 325, D.C.
Reg. *v.* Duke [1963] 1 Q.B. 120; [1961] 3 W.L.R. 1194, C.C.A.
Reg. *v.* Jefferies [1969] 1 Q.B. 120; [1968] 3 W.L.R. 830, C.A.
s. 4: Reg. *v.* King (Joseph) [1965] 1 W.L.R. 706, C.C.A.
s. 4 (1), proviso: Reg. *v.* Clark [1962] 1 W.L.R. 180, C.C.A.
Reg. *v.* Trigg [1963] 1 W.L.R. 305, C.C.A.
s. 4 (1) (as amended): Reg. *v.* Nixon [1968] 1 W.L.R. 577, C.A.
Reg. *v.* Calder & Boyars Ltd. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974, C.A.
s. 4 (1) (2): Reg. *v.* Yule [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.
Connelly *v.* Director of Public Prosecutions [1964] A.C. 1254; [1963] 3 W.L.R. 839, C.C.A.; [1964] A.C. 1254; [1964] 2 W.L.R. 1145, H.L.(E.)
s. 5 (1): Reg. *v.* Edirimanasingham [1961] A.C. 454; [1961] 2 W.L.R. 156, P.C.
Reg. *v.* Craig (Practice Note) [1967] 1 W.L.R. 645, C.A.
s. 5 (2): Reg. *v.* Caslin [1961] 1 W.L.R. 1484, C.C.A.
Reg. *v.* Smith [1962] 2 Q.B. 317; [1962] 2 W.L.R. 1145, C.C.A.
Reg. *v.* Wilson (David); Reg. *v.* Marshall-Graham [1967] 2 Q.B. 406; [1967] 2 W.L.R. 1094, C.A.
s. 9: Reg. *v.* Parks [1961] 1 W.L.R. 1484, C.C.A.
Reg. *v.* Gordon (Practice Note) [1963] 1 W.L.R. 810, C.C.A.
Reg. *v.* Gordon (No. 2) (Practice Note) [1963] 1 W.L.R. 946, C.C.A.
Reg. *v.* Collins [1970] 1 Q.B. 710; [1970] 2 W.L.R. 68, C.A.
s. 15 (2): Reg. *v.* Rear [1965] 2 Q.B. 290; [1965] 2 W.L.R. 943, C.C.A.
s. 21: Reg. *v.* Assa Singh [1965] 2 Q.B. 312; [1965] 2 W.L.R. 774, C.C.A.
Reg. *v.* McNulty [1965] 1 Q.B. 437; [1964] 3 W.L.R. 1168, C.C.A.

1908 **Law of Distress Amendment Act** (8 Edw. 7, c. 53)—
s. 1: Abingdon Rural District Council *v.* O'Gorman [1968] 2 Q.B. 811; [1968] 3 W.L.R. 240, C.A.

Companies (Consolidation) Act (8 Edw. 7, c. 69)—
s. 212: *In re* Thomas Mortimer Ltd. (Note) [1965] Ch. 186; [1964] 3 W.L.R. 427

1910 **Finance (1909–10) Act** (10 Edw. 7 & 1 Geo. 5, c. 8)—
s. 59 (2): Rennell *v.* Inland Revenue Comrs. [1962] Ch. 329; [1961] 3 W.L.R. 1322, C.A.; [1964] A.C. 173; [1963] 2 W.L.R. 745, H.L.(E.)
s. 60 (2): Buccleuch (Duke) *v.* Inland Revenue Comrs. [1966] 1 Q.B. 851; [1965] 3 W.L.R. 977, C.A.; [1967] 1 A.C. 506; [1967] 2 W.L.R. 207, H.L.(E.)
s. 66 (2): Inland Revenue Comrs. *v.* Frere [1964] Ch. 359; [1964] 2 W.L.R. 405, C.A.

1911 **Protection of Animals Act** (1 & 2 Geo. 5, c. 27)—
ss. 1 (1) (3), 15 (*a*) (*c*): Rowley *v.* Murphy [1964] 2 Q.B. 43; [1963] 3 W.L.R. 1061, D.C.

Official Secrets Act (1 & 2 Geo. 5, c. 28)—
s. 1 (1): Chandler *v.* Director of Public Prosecutions [1964] A.C. 763; [1962] 3 W.L.R. 694, C.C.A. and H.L.(E.)
s. 1 (1) (*c*): Reg. *v.* Blake [1962] 2 Q.B. 377; [1961] 3 W.L.R. 744, C.C.A.
Reg. *v.* Britten [1969] 1 W.L.R. 151, C.A.

Copyright Act (1 & 2 Geo. 5, c. 46)—
s. 6 (3): Warwick Film Productions Ltd. *v.* Eisinger [1969] 1 Ch. 508; [1967] 3 W.L.R. 1599

Maritime Conventions Act (1 & 2 Geo. 5, c. 57)—
s. 1 (1): The Miraflores and The Abadesa [1966] P. 18; [1966] 2 W.L.R. 347, C.A.; [1967] 1 A.C. 826; [1967] 2 W.L.R. 806, H.L.(E.)
s. 3: The Abadesa [1967] P. 265; [1966] 2 W.L.R. 278
s. 8: The World Harmony [1967] P. 341; [1965] 2 W.L.R. 1275
The Alnwick [1965] P. 357; [1965] 3 W.L.R. 118, Hewson J. and C.A.
The Niceto de Larrinaga [1966] P. 80; [1965] 3 W.L.R. 573

1912 **Shops Act** (2 Geo. 5, c. 3)—
s. 19 (1): Greenwood *v.* Whelan [1967] 1 Q.B. 396; [1967] 2 W.L.R. 289, D.C.

1913 **Pilotage Act** (2 & 3 Geo. 5, c. 31)—
s. 11 (1): Thames Launches Ltd. *v.* Trinity House Corpn. (Deptford Strond) (No. 2) [1962] Ch. 153; [1961] 3 W.L.R. 350

Forgery Act (3 & 4 Geo. 5, c. 27)—
ss. 1 (2) (*b*), 2 (2): Reg. *v.* Hassard [1970] 1 W.L.R. 1109, C.A.
s. 4 (1): Reg. *v.* Moon [1967] 1 W.L.R. 1536, C.A.
ss. 6 (2), 11 (1): Reg. *v.* Harris [1966] 1 Q.B. 184; [1965] 3 W.L.R. 1040, C.C.A.
s. 7: Reg. *v.* Hurford; Reg. *v.* Williams [1963] 2 Q.B. 398; [1963] 2 W.L.R. 1038, C.C.A.
s. 8 (1): Reg. *v.* Wuyts [1969] 2 Q.B. 474; [1969] 3 W.L.R. 1, C.A.

1914 **Finance Act** (4 & 5 Geo. 5, c. 10)—
s. 14: Coutts & Co. *v.* Inland Revenue Comrs. [1962] Ch. 305; [1961] 3 W.L.R. 781, [1963] Ch. 135; [1962] 3 W.L.R. 347, C.A.; [1964] A.C. 1393; [1963] 2 W.L.R. 1407, H.L.(E.)

1914 **Aliens Restriction Act** (4 & 5 Geo. 5, c. 12)—
s. 1 (1): Reg. *v.* Governor of Brixton Prison, *Ex parte* Soblen [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, John Stephenson J. and C.A.
s. 1 (1) (2) (as amended): Reg. *v.* East Grinstead Justices, *Ex parte* Doeve [1969] 1 Q.B. 136; [1968] 3 W.L.R. 920, D.C.

Criminal Justice Administration Act (4 & 5 Geo. 5, c. 58)—
s. 14: Reg. *v.* Taylor [1969] 1 W.L.R. 919, C.A.
s. 39 (1): Reg. *v.* Hazeltine [1967] 2 Q.B. 857; [1967] 3 W.L.R. 209, C.A.

Bankruptcy Act (4 & 5 Geo. 5, c. 59)—
ss. 1 (1) (*e*) 45, 46: *In re* Dalton (A Bankrupt) [1963] Ch. 336; [1962] 3 W.L.R. 140
s. 1 (1) (*g*): *In re* A Debtor (No. 991 of 1962), *Ex parte* The Debtor *v.* H. Tossoun [1963] 1 W.L.R. 51, C.A.
ss. 1 (1), 31, 40 (1), 167: *In re* Eros Films Ltd. [1963] Ch. 565; [1963] 2 W.L.R. 496
ss. 4 (1) (*c*), 108 (1) (2), 111: *In re* Noble (A Bankrupt) [1965] Ch. 129; [1964] 3 W.L.R. 206, C.A.
s. 4 (1) (*d*): *In re* Bird, *Ex parte* The Debtor *v.* Inland Revenue Comrs. [1962] 1 W.L.R. 686, C.A.
ss. 5, 6, 29: *In re* A Debtor, *Ex parte* The Debtor *v.* Allen [1967] Ch. 590; [1967] 2 W.L.R. 1528, D.C.
ss. 7 (1), 30 (1) (3) (6): James *v.* James [1964] P. 303; [1963] 3 W.L.R. 331
s. 16 (10): *In re* Murray (A Debtor) [1969] 1 W.L.R. 246, D.C.
s. 25: *In re* A Debtor, *Ex parte* Trustee of the Property of the Bankrupt *v.* Clegg [1968] 1 W.L.R. 788
s. 26 (2) (as amended): *In re* Mills (A Bankrupt) [1967] 1 W.L.R. 580
s. 26 (4): *In re* A Debtor (No. 612 of 1960) [1964] 1 W.L.R. 807, C.A.
s. 29 (1): *In re* Davenport [1963] 1 W.L.R. 817, C.A.
s. 29 (1) (2): More *v.* More [1962] Ch. 424; [1962] 2 W.L.R. 215
s. 31: *In re* E. J. Morel (1934) Ltd. [1962] Ch. 21; [1961] 3 W.L.R. 57
Rolls Razor Ltd. *v.* Cox [1967] 1 Q.B. 552; [1967] 2 W.L.R. 241, C.A.
Langley Constructions (Brixham) Ltd. *v.* Wells [1969] 1 W.L.R. 503, C.A.
Halesowen Presswork & Assemblies Ltd. *v.* Westminster Bank Ltd. [1970] 3 W.L.R. 625, C.A.
s. 33 (5) (7): Prichard *v.* Westminster Bank Ltd. [1969] 1 W.L.R. 547, C.A.
s. 42 (1): *In re* A Debtor, *Ex parte* The Official Receiver [1965] 1 W.L.R. 1498
s. 44: *In re* Eric Holmes (Property) Ltd. [1965] Ch. 1052; [1965] 2 W.L.R. 1260
s. 45: *In re* Keever, A Bankrupt, *Ex parte* Trustee of the Property of the Bankrupt *v.* Midland Bank Ltd. [1967] Ch. 182; [1966] 3 W.L.R. 779
s. 51 (2): *In re* Cohen, A Bankrupt [1961] Ch. 246; [1961] 2 W.L.R. 237, C.A.
ss. 51 (2), 108 (2): *In re* Duckett [1964] Ch. 398; [1964] 2 W.L.R. 106
ss. 61, 105: *In re* Hutton (A Bankrupt) [1969] 2 Ch. 201; [1969] 2 W.L.R. 661
s. 66: *In re* Theo Garvin Ltd. [1969] 1 Ch. 624; [1968] 2 W.L.R. 683
s. 80: Leon *v.* York-O-Matic Ltd. [1966] 1 W.L.R. 1450
s. 105: *In re* Solomon, A Bankrupt, *Ex parte* Trustee of the Property of the Bankrupt *v.* Solomon [1967] Ch. 573; [1967] 2 W.L.R. 172
s. 108 (1): *In re* D. B. Brace, *Ex parte* The Debtor *v.* H. Gabriel [1966] 1 W.L.R. 595, C.A.
s. 108 (2) (*b*): Soul *v.* Inland Revenue (Practice Note) [1964] 1 W.L.R. 1072, H.L.(E.)
Practice Direction (House of Lords: Petitions) [1970] 1 W.L.R. 1218, H.L.
s. 147 (1): Pillai *v.* Comptroller of Income Tax [1970] A.C. 1125; [1970] 2 W.L.R. 1053, P.C.
s. 154 (5): Reg. *v.* Lusty [1964] 1 W.L.R. 606, C.C.A.
s. 155 (*a*): Fisher *v.* Raven [1964] A.C. 210; [1963] 2 W.L.R. 1137, C.C.A. and H.L.(E.)
ss. 157 (1) (*c*), 164 (3): Reg. *v.* Salter [1968] 2 Q.B. 793; [1968] 3 W.L.R. 39, C.A.

1915 **Indictments Act** (5 & 6 Geo. 6, c. 90)—
s. 3: Reg. *v.* Churchill [1965] 1 W.L.R. 1174
ss. 4, 5, Sch. 1, r. 3: Reg. *v.* Assim [1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.
s. 5 (1): Reg. *v.* Martin [1962] 1 Q.B. 221; [1961] 3 W.L.R. 17, C.C.A.
Reg. *v.* Hall [1968] 2 Q.B. 788; [1968] 3 W.L.R. 359, C.A.
Sch. 1, r. 3: Reg. *v.* Tizard [1962] 2 Q.B. 608; [1962] 2 W.L.R. 652, C.C.A.
Reg. *v.* Kray (Ronald) [1970] 1 Q.B. 125; [1969] 3 W.L.R. 831, C.A.
Reg. *v.* Ludlow [1970] 1 Q.B. 101; [1969] 3 W.L.R. 640, C.A.; [1970] 2 W.L.R. 521, H.L.(E.)
Sch. 1, r. 4A (as added by Indictment Rules, 1957 (S.I. 1957, No. 669 (L.5)): Reg. *v.* Masters [1965] 1 Q.B. 517; [1964] 3 W.L.R. 288, C.C.A.

London County Council (General Powers) Act (5 & 6 Geo. 5, c. ciii)—
s. 16: Panama (Piccadilly) Ltd. *v.* Newberry [1962] 1 W.L.R. 610, D.C.

1916 **Telegraph (Construction) Act** (6 & 7 Geo. 5, c. 40)—
s. 1: Postmaster-General *v.* Pearce (Note) [1968] 2 Q.B. 463; [1968] 3 W.L.R. 81, C.A.
ss. 1, 4: Cartwright *v.* Post Office [1968] 2 Q.B. 439; [1968] 3 W.L.R. 63; [1969] 2 Q.B. 62; [1969] 2 W.L.R. 323, C.A.

1916 **Larceny Act** (6 & 7 Geo. 5, c. 50)—
s. 1: Thompson v. Nixon [1966] 1 Q.B. 103; [1965] 3 W.L.R. 501, D.C.
Martin v. Puttick [1968] 2 Q.B. 82; [1967] 2 W.L.R. 1131, D.C.
ss. 1 (1), 2: Lacis v. Cashmarts [1969] 2 Q.B. 400; [1969] 2 W.L.R. 329, D.C.
ss. 2, 32, 44 (3) (4): Reg. v. Caslin [1961] 1 W.L.R. 59, C.C.A.
s. 8 (1) (*a*): Reg. v. Harlow; Reg. v. Winstanley [1967] 2 Q.B. 193; [1967] 2 W.L.R. 702, C.A.
s. 17 (1) (*a*): Reg. v. Cockburn [1968] 1 W.L.R. 281, C.A.
s. 20 (1) (iv) (*a*) (*b*): Reg. v. Yule [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.
s. 23 (1) (*a*): Reg. v. King-Jones and Gladdy [1966] 1 W.L.R. 1077
Reg. v. Skivington [1968] 1 Q.B. 166; [1967] 2 W.L.R. 665, C.A.
ss. 26 (1), 27 (2): Reg. v. Kelly [1964] 1 Q.B. 173; [1963] 3 W.L.R. 835, C.C.A.
s. 28 (2): Reg. v. Patterson [1962] 2 Q.B. 429; [1962] 2 W.L.R. 496, C.C.A.
s. 30: Reg. v. Clear [1968] 1 Q.B. 670; [1968] 2 W.L.R. 122, C.A.
s. 32 (1): Reg. v. Torr [1966] 1 W.L.R. 52, C.C.A.
Reg. v. Curr [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595, C.A.
s. 32 (2) (*b*): Reg. v. Thornton [1964] 2 Q.B. 176; [1963] 3 W.L.R. 444, C.C.A.
s. 33 (1): Reg. v. Sutton [1966] 1 W.L.R. 236, C.C.A.
Reg. v. Reah [1968] 1 W.L.R. 1508, C.A.
s. 33 (1) (3) (4): Reg. v. Smith [1962] 2 Q.B. 317; [1962] 2 W.L.R. 1145, C.C.A.
ss. 40 (3), 44 (5): Reg. v. Tizard [1962] 2 Q.B. 608; [1962] 2 W.L.R. 652, C.C.A.
s. 43 (1): Reg. v. Herron [1967] 1 Q.B. 107; [1966] 3 W.L.R. 374, C.C.A.
Reg. v. List [1966] 1 W.L.R. 9
s. 44 (2): Reg. v. O'Driscoll [1968] 1 Q.B. 839; [1967] 3 W.L.R. 1143, C.A.
s. 44 (5): Reg. v. Assim [1966] 2 Q.B. 249; [1966] 3 W.L.R. 55, C.C.A.
s. 45: Stamp v. United Dominions Trust (Commercial) Ltd. [1967] 1 Q.B. 418; [1967] 2 W.L.R. 541, D.C.
s. 45 (1) (2): Barclays Bank Ltd. v. Milne [1963] 1 W.L.R. 1241

Acquisition of Land (Assessment of Compensation) Act (9 & 10 Geo. 5, c. 57)—
s. 2, r. 5: West Midland Baptist (Trust) Association (Inc.) v. Birmingham Corpn. [1968] 2 Q.B. 188; [1968] 2 W.L.R. 535, C.A.

Registration of Business Names Act (6 & 7 Geo. 5, c. 58)—
s. 8 (1) (*a*): Watson v. Park Royal (Caterers) Ltd. [1961] 1 W.L.R. 727

Prevention of Corruption Act (6 & 7 Geo. 5, c. 64)—
s. 4 (2): Reg. v. Newbould [1962] 2 Q.B. 102; [1962] 2 W.L.R. 648

1918 **Income Tax Act** (8 & 9 Geo. 5, c. 40)—
Schs. D, E (as amended by Finance Act, 1922 (12 & 13 Geo. 5, c. 17) s. 18: Mitchell and Edon v. Ross [1962] A.C. 813; [1961] 3 W.L.R. 411, H.L.(E.)

1919 **Police Act** (9 & 10 Geo. 5, c. 46)—
Ridge v. Baldwin [1963] 1 Q.B. 539; [1961] 2 W.L.R. 1054; [1962] 2 W.L.R. 716, C.A.; [1964] A.C. 40; [1963] 2 W.L.R. 935, H.L.(E.)

Ministry of Transport Act (9 & 10 Geo. 5, c. 50)—
s. 2: Rother Valley Railway Co. Ltd. v. Ministry of Transport [1970] 2 W.L.R. 1041

Acquisition of Land (Assessment of Compensation) Act (9 & 10 Geo. 5, c. 57)—
s. 2: Bailey v. Derby Corpn. [1965] 1 W.L.R. 213, C.A.
s. 2, r. 5: West Midland Baptist (Trust) Association (Inc.) v. Birmingham Corpn. [1970] A.C. 874; [1969] 3 W.L.R. 389, H.L.(E.)

Industrial Courts Act (9 & 10 Geo. 5, c. 69)—
s. 1: Reg. v. Industrial Court, *Ex parte* A.S.S.E.T. [1965] 1 Q.B. 377; [1964] 3 W.L.R. 680, D.C.

Sex Disqualification (Removal) Act (9 & 10 Geo. 5, c. 71)—
s. 1: Nagle v. Feilden [1966] 2 Q.B. 633; [1966] 2 W.L.R. 1027, C.A.

Aliens Restriction (Amendment) Act (9 & 10 Geo. 5, c. 92)—
s. 1 (1): Reg. v. Governor of Brixton Prison, *Ex parte* Soblen [1963] 2 Q.B. 243; [1962] 3 W.L.R. 1154, John Stephenson J. and C.A.

Electricity (Supply) Act (9 & 10 Geo. 5, c. 100)—
s. 22 (1): Central Electricity Generating Board v. Dunning [1970] Ch. 643; [1970] 2 W.L.R. 668

1920 **Increase of Rent and Mortgage Interest (Restrictions) Act** (10 & 11 Geo. 5, c. 17)—
ss. 3 (2), 12 (2): Fredco Estates Ltd. v. Bryant [1961] 1 W.L.R. 76, C.A.
s. 12 (1) (*g*): Ross v. Collins [1964] 1 W.L.R. 425, C.A.
s. 12 (1) (*g*) (as amended): Dealex Properties Ltd. v. Brooks [1966] 1 Q.B. 542; [1965] 2 W.L.R. 1241, C.A.
s. 12 (2) (iii): Critchley v. Clifford [1962] 1 Q.B. 131; [1961] 3 W.L.R. 763, C.A.
s. 15 (3): Muspratt v. Johnston [1963] 2 Q.B. 383; [1963] 2 W.L.R. 1153, C.A.
s. 17 (2): Maynard v. Maynard [1969] P. 88; [1969] 2 W.L.R. 22

Census Act (10 & 11 Geo. 5, c. 41)—
s. 8 (1) (*a*): Turner v. Midgley [1967] 1 W.L.R. 1247, D.C.

1920 **Official Secrets Act** (10 & 11 Geo. 5, c. 75)—

s. 3: Adler *v.* George [1964] 2 Q.B. 7; [1964] 2 W.L.R. 542, D.C.

Port of London (Consolidation) Act (10 & 11 Geo. 5, c. clxxiii)—

s. 75: The Queen of the South [1968] P. 449; [1968] 2 W.L.R. 973.

1921 **Tribunals of Inquiry (Evidence) Act** (11 & 12 Geo. 5, c. 7)—

s. 1 (2) (*b*): Attorney-General *v.* Clough [1963] 1 Q.B. 773; [1963] 2 W.L.R. 343; Attorney-General *v.* Mulholland; Attorney-General *v.* Foster [1963] 2 Q.B. 477; [1963] 2 W.L.R. 658, C.A.

Railways Act (11 & 12 Geo. 5, c. 55)—

s. 68: Rother Valley Railway Co. Ltd. *v.* Ministry of Transport [1970] 2 W.L.R. 1041

Liverpool Corporation Act (11 & 12 Geo. 5, c. lxxiv)—

s. 230: Jones *v.* McKie [1964] 1 W.L.R. 960, C.A.

ss. 246, 253, 255, 260: Watson *v.* Thomas S. Whitney & Co. Ltd. [1966] 1 W.L.R. 57, C.A.

s. 256: Reg. *v.* Liverpool Court of Passage Registrar, *Ex parte* William Braund Ltd. [1966] 1 W.L.R. 241, D.C.

1922 **Irish Free State (Consequential Provisions) Act** (13 Geo. 5, c. 2)—

Earl of Antrim's Petition [1967] 1 A.C. 691; [1966] 3 W.L.R. 1141, H.L.

s. 6: Reg. *v.* Metropolitan Police Comr., *Ex parte* Hammond [1964] 2 Q.B. 385; [1964] 2 W.L.R. 777, D.C.; [1965] A.C. 810; [1964] 3 W.L.R. 1, H.L.(E.)

Allotments Act (12 & 13 Geo. 5, c. 51)—

s. 1 (1) (*a*): Wombwell Urban District Council *v.* Burke [1966] 2 Q.B. 149; [1966] 2 W.L.R. 669, C.A.

1923 **Salmon and Freshwater Fisheries Act** (13 & 14 Geo. 5, c. 16)—

s. 11: Ingram *v.* Percival [1969] 1 Q.B. 548; [1968] 3 W.L.R. 663, D.C.

Mines (Working Facilities and Support) Act (13 & 14 Geo. 5, c. 20)—

ss. 1, 6, 9: *In re* Associated Portland Cement Manufacturers Ltd.'s Application [1966] Ch. 308; [1965] 3 W.L.R. 1271

s. 15: Thomas McGhie & Sons Ltd. *v.* British Transport Commission [1963] 1 Q.B. 125; [1962] 3 W.L.R. 380

Union of Benefices Measure (14 & 15 Geo. 5, No. 2)—

ss. 6, 34: St. Philip with St. Luke Parochial Church Council *v.* Church Comrs. [1963] A.C. 448; [1963] 2 W.L.R. 617, P.C.

1924 **Carriage of Goods by Sea Act** (14 & 15 Geo. 5, c. 22)—

Sch., art. III, r. 1: The Makedonia [1962] P. 190; [1962] 3 W.L.R. 343

r. 6: Compania Colombiana de Seguros *v.* Pacific Steam Navigation Co. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484

The Merak [1965] P. 223; [1965] 2 W.L.R. 250, Scarman J. and C.A.

Sch., art. III, r. 1 (*a*), art. IV, rr. 1, 2 (*a*) (*c*) (*q*): Leesh River Tea Co. Ltd. *v.* British India S.N. Co. Ltd. [1967] 2 Q.B. 250; [1966] 3 W.L.R. 642, C.A.

Sch., art. IV, r. 1: Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1961] A.C. 807; [1961] 2 W.L.R. 269, H.L.(E.)

rr. 3, 4: Attorney-General of Ceylon *v.* Scindia Steam Navigation Co. Ltd. [1962] A.C. 60; [1961] 3 W.L.R. 936, P.C.

r. 5: Midland Silicones Ltd. *v.* Scruttons Ltd. [1962] A.C. 446; [1962] 2 W.L.R. 186, H.L.(E.)

Scarisbrick Estate Drainage Act (14 & 15 Geo. 5, c. ii)—

s. 16 (2): Sephton *v.* Lancashire River Board [1962] 1 W.L.R. 623

1925 **Settled Land Act** (15 & 16 Geo. 5, c. 18)—

ss. 6, 30 (3), 68 (2): *In re* Pennant's Will Trusts [1970] Ch. 75; [1969] 3 W.L.R. 63

ss. 19, 38, 67, 93: *In re* 90 Thornhill Road, Tolworth, Surrey [1970] Ch. 261; [1969] 3 W.L.R. 570

ss. 42 (1) (i), 44 (3) proviso (iii), 90 (1) (iii), 117 (1) (x): *In re* Rycroft's Settlements [1962] Ch. 263; [1961] 3 W.L.R. 890

ss. 105 (1), 108 (2): *In re* Maryon-Wilson's Instruments [1969] 3 W.L.R. 575

s. 117 (1): Cook *v.* Cook [1962] P. 181; [1962] 2 W.L.R. 963

Trustee Act (15 & 16 Geo. 5, c. 19)—

s. 31: *In re* Joel's Will Trusts [1967] Ch. 14; [1966] 3 W.L.R. 209

s. 31 (1) (ii): *In re* Geering, decd. [1964] Ch. 136; [1962] 3 W.L.R. 1541

ss. 31 (1) (ii), 69 (2): *In re* McGeorge, decd. [1963] Ch. 544; [1963] 2 W.L.R. 767

s. 32: *In re* Pilkington's Will Trusts [1961] Ch. 466; [1961] 2 W.L.R. 776, C.A.; [1964] A.C. 612; [1962] 3 W.L.R. 1051, H.L.(E.)

In re Collard's Will Trusts [1961] Ch. 293; [1961] 2 W.L.R. 415

In re Evans's Settlement [1967] 1 W.L.R. 1294

ss. 32 (1), 69 (2): Inland Revenue Comrs. *v.* Bernstein [1961] Ch. 399; [1961] 2 W.L.R. 143, C.A.

s. 40: *In re* King's Will Trusts [1964] Ch. 542; [1964] 2 W.L.R. 913

s. 41: *In re* Weston's Settlements [1969] 1 Ch. 223; [1968] 2 W.L.R. 1154; [1969] 1 Ch. 223; [1968] 3 W.L.R. 786, C.A.

ss. 41, 62: *In re* Pauling's Settlement Trusts (No. 2) [1963] Ch. 576; [1963] 2 W.L.R. 838

1925 **Trustee Act**—*continued.*
ss. 44, 51: *In re* Harrison's Settlement Trusts [1965] 1 W.L.R. 1492
s. 53: *In re* Bristol's Settled Estates [1965] 1 W.L.R. 469
In re Lansdowne's Will Trusts [1967] Ch. 603; [1967] 2 W.L.R. 992
s. 61: *In re* Pauling's Settlement Trusts [1964] Ch. 303; [1963] 3 W.L.R. 742, C.A.
In re Spurling's Will Trusts [1966] 1 W.L.R. 920

Law of Property Act (15 & 16 Geo. 5, c. 20)—
ss. 1, 87, 142: Regent Oil Co. Ltd. *v.* J. A. Gregory (Hatch End) Ltd. [1966] Ch. 402; [1965] 3 W.L.R. 730; [1966] Ch. 402; [1965] 3 W.L.R. 1206, C.A.
s. 30: Rawlings *v.* Rawlings [1964] P. 398; [1964] 3 W.L.R. 294, C.A.
In re Solomon, A Bankrupt, *Ex parte* Trustee of the Property of the Bankrupt *v.* Solomon [1967] Ch. 573; [1967] 2 W.L.R. 172
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s. 36: *In re* Draper's Conveyance [1969] 1 Ch. 486; [1968] 2 W.L.R. 166
s. 40: Gavaghan *v.* Edwards [1961] 2 Q.B. 220; [1961] 2 W.L.R. 948, C.A.
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s. 40 (1): Griffiths *v.* Young [1970] Ch. 675; [1970] 3 W.L.R. 246, C.A.
s. 40 (1) (2): Wakeham *v.* Mackenzie [1968] 1 W.L.R. 1175
s. 49 (1): *In re* Englefield Holdings Ltd. and Sinclair's Contract [1962] 1 W.L.R. 1119
s. 52 (1): *In re* Stirrups's Contract [1961] 1 W.L.R. 449
s. 53 (1): Gissing *v.* Gissing [1969] 2 Ch. 85; [1969] 2 W.L.R. 525, C.A.; [1970] 3 W.L.R. 255, H.L.(E.)
s. 53 (1) (*b*): Hodgson *v.* Marks [1970] 3 W.L.R. 956
s. 53 (1) (*c*): Vandervell *v.* Inland Revenue Comrs. [1966] Ch. 261; [1965] 2 W.L.R. 1085, C.A.; [1967] 2 A.C. 291; [1967] 2 W.L.R. 87, H.L.(E.)
In re Tyler [1967] 1 W.L.R. 1269
s. 53 (2): *In re* Paradise Motor Co. Ltd. [1968] 1 W.L.R. 1125, C.A.
ss. 56, 205 (1) (xx): Beswick *v.* Beswick [1966] Ch. 538; [1966] 3 W.L.R. 396, C.A.; [1968] A.C. 58; [1967] 3 W.L.R. 932, H.L.(E.)
s. 61: *In re* A Solicitors' Arbitration [1962] 1 W.L.R. 353
In re Denley's Trust Deed [1969] 1 Ch. 373; [1968] 3 W.L.R. 457
s. 61 (*a*): *In re* Figgis, decd. [1969] 1 Ch. 123; [1968] 2 W.L.R. 1173
s. 62: Phipps *v.* Pears [1965] 1 Q.B. 76; [1964] 2 W.L.R. 996, C.A.
Ward *v.* Kirkland [1967] Ch. 194; [1966] 1 W.L.R. 601
Green *v.* Ashco Horticulturist Ltd. [1966] 1 W.L.R. 889
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s. 62 (1): H. E. Dibble Ltd. *v.* Moore [1970] 2 Q.B. 181; [1969] 3 W.L.R. 748, C.A.
Crow *v.* Wood [1970] 3 W.L.R. 516, C.A.
s. 65 (1): Cordell *v.* Second Clanfield Properties Ltd. [1969] 2 Ch. 9; [1968] 3 W.L.R. 864
ss. 72 (3) (4), 205 (1): Rye *v.* Rye [1962] A.C. 496; [1962] 2 W.L.R. 361, H.L.(E.)
s. 74: D'Silva *v.* Lister House Development Ltd. [1970] 2 W.L.R. 563
s. 79: Sefton *v.* Tophams Ltd. [1964] 1 W.L.R. 1408
s. 79 (1): *In re* Royal Victoria Pavilion, Ramsgate [1961] Ch. 581; [1961] 3 W.L.R. 491
s. 84: *In re* Jeff's Transfer (Practice Note) [1965] 1 W.L.R. 972
s. 84 (1): Ridley *v.* Taylor [1965] 1 W.L.R. 611, C.A.
Cresswell *v.* Proctor [1968] 1 W.L.R. 906, C.A.
s. 84 (1) (*c*): Gee *v.* The National Trust [1966] 1 W.L.R. 170, C.A.
s. 84 (1) (2): *In re* Purkiss' Application [1962] 1 W.L.R. 902, C.A.
s. 84 (1) (9): Hanning *v.* Gable-Jeffreys Properties Ltd. [1965] 1 W.L.R. 1390
s. 84 (2): *In re* Jeffkins' Indentures (Practice Note) [1965] 1 W.L.R. 375
In re Gadd's Land Transfer [1966] Ch. 56; [1965] 3 W.L.R. 325
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s. 84 (2) (*a*): *In re* Wembley Park Estate Co. Ltd.'s Transfer [1968] Ch. 491; [1968] 2 W.L.R. 500
ss. 86 (1) (2), 146: Grangeside Properties Ltd. *v.* Collingwoods Securities Ltd. [1964] 1 W.L.R. 139, C.A.
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ss. 101 (1) (i), 104 (1) (2): Property & Bloodstock Ltd. *v.* Emerton [1968] Ch. 94; [1967] 3 W.L.R. 973, C.A.
s. 104: *In re* White Rose Cottage [1964] Ch. 483; [1964] 2 W.L.R. 396; [1965] Ch. 940; [1965] 2 W.L.R. 337, C.A.
s. 109: Marten *v.* Flight Refuelling Ltd. [1962] Ch. 115; [1961] 2 W.L.R. 1018
s. 136: Compania Colombiana de Seguros *v.* Pacific Steam Navigation Co. [1965] 1 Q.B. 101; [1964] 2 W.L.R. 484
s. 136 (1): Van Lynn Developments Ltd. *v.* Pelias Construction Co. Ltd. [1969] 1 Q.B. 607; [1968] 3 W.L.R. 1141, C.A.
s. 141: *In re* King, decd. [1963] Ch. 459; [1963] 2 W.L.R. 629, C.A.
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s. 144: Hampstead & Suburban Properties Ltd. *v.* Diomedous [1969] 1 Ch. 248; [1968] 3 W.L.R. 990
s. 146 (1): *In re* Metropolitan Film Studios Ltd.'s Application [1962] 1 W.L.R. 1315
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s. 162 (1) (*d*) (iv): Dunn *v.* Blackdown Properties Ltd. [1961] Ch. 433; [1961] 2 W.L.R. 618
s. 164: *In re* Rochford's Settlement Trusts [1965] Ch. 111; [1964] 2 W.L.R. 1339
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s. 175: *In re* McGeorge, decd. [1963] Ch. 544; [1963] 2 W.L.R. 767
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s. 199: E. R. Ives Investment Ltd. *v.* High [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789, C.A.
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s. 24 (1): *In re* King, decd. [1962] 1 W.L.R. 632
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ss. 54 (1), 55 (1) (2), 56 (2), 59 (1) (6): Parkash *v.* Irani Finance Ltd. [1970] Ch. 101; [1969] 2 W.L.R. 1134
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s. 70 (1) (*g*): National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. [1964] Ch. 9; [1963] 2 W.L.R. 1015; [1964] Ch. 665; [1964] 2 W.L.R. 751, C.A.; [1965] A.C. 1175; [1965] 3 W.L.R. 1, H.L.(E.)
National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. (No. 2) [1964] Ch. 665; [1964] 2 W.L.R. 751, C.A.
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s. 75 (1): St. Marylebone Property Co. Ltd. *v.* Fairweather [1962] 1 Q.B. 498; [1961] 3 W.L.R. 1083, C.A.; [1963] A.C. 510; [1962] 2 W.L.R. 1020, H.L.(E.)
s. 82: Claridge *v.* Tingey [1967] 1 W.L.R. 134

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s. 10: Capital Investments Ltd. *v.* Wednesfield Urban District Council [1965] Ch. 774; [1964] 2 W.L.R. 932
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s. 10 (1), class C (iv), class D (iii), 13 (2): E. R. Ives Investment Ltd. *v.* High [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789, C.A.
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s. 17 (1) (2) (3): Ministry of Housing and Local Government *v.* Sharp [1970] 2 Q.B. 223; [1969] 3 W.L.R. 1020; [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802, C.A.
s. 17 (3): Stock *v.* Wanstead and Woodford Borough Council [1962] 2 Q.B. 479; [1961] 2 W.L.R. 868
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s. 36 (1): *In re* Stirrup's Contract [1961] 1 W.L.R. 449
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s. 31 (1) (*a*): Reg. *v.* Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893, C.A.
s. 31 (1) (*e*): Stevens *v.* Stevens [1965] P. 147; [1965] 2 W.L.R. 736, C.A.
s. 31 (1) (*h*): Crystall *v.* Crystall [1963] 1 W.L.R. 574, C.A.
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s. 31 (1) (*i*): Moore *v.* Comr. of Metropolitan Police [1968] 1 Q.B. 26; [1967] 3 W.L.R. 572, C.A.
s. 31 (1) (2): Gordon *v.* Cradock [1964] 1 Q.B. 503; [1963] 2 W.L.R. 1252, C.A.
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s. 45 (3): Maynard *v.* Maynard [1969] P. 88; [1969] 2 W.L.R. 22
s. 46: Lovelock *v.* Margo [1963] 2 Q.B. 786; [1963] 2 W.L.R. 794, C.A.
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s. 51 (1) (as amended): *In re* Langton [1966] 1 W.L.R. 1575, D.C. and C.A.
s. 58: Brady *v.* Barrow Steel Works Ltd. [1965] 2 Q.B. 182; [1965] 2 W.L.R. 244
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Teachers (Superannuation) Act (15 & 16 Geo. 5, c. 59)—

s. 12: *In re* Duckett [1964] Ch. 398; [1964] 2 W.L.R. 106

Public Health Act (15 & 16 Geo. 5, c. 71)—

s. 68: W. R. Anderson (Motors) Ltd. *v.* Hargreaves [1962] 1 Q.B. 424; [1962] 2 W.L.R. 349, D.C.

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s. 11 (1): Reg. *v.* Kulynycz [1970] 3 W.L.R. 1029, C.A.

s. 13 (3): Reg. *v.* Holt [1968] 1 W.L.R. 1942, C.A.

s. 14 (2): Reg. *v.* Wilson [1968] 1 Q.B. 832; [1967] 3 W.L.R. 810, C.A.

s. 15: Reg. *v.* Browne [1962] 1 W.L.R. 759, C.C.A.

s. 20 (1) (4) (as amended): Reg. *v.* Northumberland Quarter Sessions, *Ex parte* Williamson [1965] 1 W.L.R. 700, D.C.

s. 47: Reg. *v.* Holley [1963] 1 W.L.R. 199, C.C.A.

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Almond *v.* Ash Brothers & Heaton Ltd. [1968] 1 W.L.R. 133, C.A.; [1969] 2 A.C. 366; [1969] 2 W.L.R. 1024, H.L.(E.)

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s. 68: Reg. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. [1964] 1 W.L.R. 1186, D.C.; [1966] 1 Q.B. 380; [1965] 3 W.L.R. 426, C.A.

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1926 **Adoption of Children Act** (16 & 17 Geo. 5, c. 29)—

s. 5 (2): *In re* Valentine's Settlement [1965] Ch. 831; [1965] 2 W.L.R. 1015, C.A.

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s. 2 (2): C. E. B. Draper & Son Ltd. *v.* Edward Turner & Son Ltd. [1965] 1 Q.B. 424; [1964] 3 W.L.R. 783, C.A.

s. 2 (2), Sch. 1: Hardwick Game Farm *v.* Suffolk Agricultural Poultry Producers Association [1966] 1 W.L.R. 287, C.A.; [1969] 2 A.C. 31; [1968] 3 W.L.R. 110, H.L.(E.)

Merchandise Marks Act (16 & 17 Geo. 5, c. 53)—

s. 5 (3): Littlewoods Mail Order Stores Ltd. *v.* Storey [1962] 2 Q.B. 286; [1962] 3 W.L.R. 436, D.C.

Coroners (Amendment) Act (16 & 17 Geo. 5, c. 59)—

s. 19: *In re* Davis, decd. [1968] 1 Q.B. 72; [1967] 2 W.L.R. 1089, C.A.

Legitimacy Act (16 & 17 Geo. 5, c. 60)—

ss. 1, 3: *In re* Brodie, decd. [1967] Ch. 818; [1967] 2 W.L.R. 1379

Judicial Proceedings (Regulation of Reports) Act (16 & 17 Geo. 5, c. 61)—

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s. 1 (1): Argyll (Duchess) *v.* Argyll (Duke) [1967] Ch. 302; [1965] 2 W.L.R. 790

1927 **Finance Act** (17 & 18 Geo. 5, c. 10)—

s. 55 (1): E. Gomme Ltd. *v.* Inland Revenue Comrs. [1964] 1 W.L.R. 1348

Central and District Properties Ltd. *v.* Inland Revenue Comrs. [1966] 1 W.L.R. 1015, C.A. and H.L.(E.)

s. 55 (1) (8): Metal Box Plastic Films Ltd. *v.* Inland Revenue Comrs. [1969] 1 W.L.R. 1620

s. 55 (1) (A) (B) (8) (as amended): Brooklands Selangor Holdings Ltd. *v.* Inland Revenue Comrs. [1970] 1 W.L.R. 429

Police (Appeals) Act (17 & 18 Geo. 5, c. 19)—

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Moneylenders Act (17 & 18 Geo. 5, c. 21)—

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ss. 1 (3), 5 (3), 6 (1) (2): Hanyet Securities Ltd. *v.* Mallett [1968] 1 W.L.R. 18; [1968] 1 W.L.R. 1265, C.A.

s. 6: Edgware Trust Ltd. *v.* Lawrence [1961] 1 W.L.R. 1354

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ss. 6 (1) (2), 7: Congresbury Motors Ltd. *v.* Anglo-Belge Finance Co. Ltd. [1970] Ch. 294; [1969] 3 W.L.R. 502

ss. 6 (2), 15 (1), Sch. 1: Askinex Ltd. *v.* Green [1969] 1 Q.B. 428; [1967] 2 W.L.R. 820, C.A.

Landlord and Tenant Act (17 & 18 Geo. 5, c. 36)—

s. 18 (1): *In re* King, decd. [1962] 1 W.L.R. 632

s. 23 (1): Price *v.* West London Investment Building Society Ltd. [1964] 1 W.L.R. 616, C.A.

s. 25: O'Callaghan *v.* Elliott [1966] 1 Q.B. 601; [1965] 3 W.L.R. 746, C.A.

1927 **Superannuation and other Trust Funds (Validation) Act** (17 & 18 Geo. 5, c. 41)—
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1928 **Petroleum (Consolidation) Act** (18 & 19 Geo. 5, c. 32)—
ss. 1 (1) (2), 6 (1) (*d*): Grandi *v.* Milburn [1966] 2 Q.B. 263; [1966] 3 W.L.R. 90, D.C.

Rating and Valuation (Apportionment) Act (18 & 19 Geo. 5, c. 44)—
s. 2 (2): Farmers' Machinery Syndicate (11th Hampshire) *v.* Shaw [1961] 1 W.L.R. 393, C.A.
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s. 3 (1): Buncombe *v.* Baltic Sawmills Co. Ltd. [1961] 1 W.L.R. 1181, C.A.
s. 3 (1) (2) (*b*): East Yorkshire Motor Services Ltd. *v.* Clayton [1961] 1 W.L.R. 1454, C.A.

1929 **Local Government Act** (19 & 20 Geo. 5, c. 17)—
s. 30 (1): Attorney-General *v.* St. Ives Rural District Council [1961] 1 Q.B. 366; [1961] 2 W.L.R. 111, C.A.
s. 69: East Yorkshire Motor Services Ltd. *v.* Clayton [1961] 1 W.L.R. 1454, C.A.

Companies Act (19 & 20 Geo. 5, c. 23)—
s. 216 (1): Tejani *v.* Official Receiver [1963] 1 W.L.R. 59, P.C.
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Methodist Church Union Act (19 & 20 Geo. 5, c. lix)—
s. 8 (2) (6): Barker *v.* O'Gorman [1970] 3 W.L.R. 659

1930 **Third Parties (Rights against Insurers) Act** (20 & 21 Geo. 5, c. 25)—
s. 1: Post Office *v.* Norwich Union Fire Insurance Ltd. [1967] 2 Q.B. 363; [1967] 2 W.L.R. 709, C.A.
Farrell *v.* Federated Employers Insurance Association Ltd. [1970] 1 W.L.R. 498; [1970] 1 W.L.R. 1400, C.A.
s. 1 (1): Murray *v.* Legal & General Assurance Society Ltd. [1970] 2 Q.B. 495; [1970] 2 W.L.R. 465

Finance Act (20 & 21 Geo. 5, c. 28)—
s. 42: Littlewoods Mail Order Stores Ltd. *v.* Inland Revenue Comrs. [1961] Ch. 210; [1961] 2 W.L.R. 25; [1961] Ch. 597; [1961] 3 W.L.R. 509, C.A.; [1963] A.C. 135; [1962] 2 W.L.R. 1228, H.L.(E.)
Shop & Store Developments Ltd. *v.* Inland Revenue Comrs. [1966] Ch. 108; [1965] 3 W.L.R. 197; [1966] Ch. 108; [1966] 2 W.L.R. 25, C.A.; [1967] 1 A.C. 472; [1967] 2 W.L.R. 35, H.L.(E.)
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Poor Prisoners' Defence Act (20 & 21 Geo. 5, c. 32)—
s. 1 (1): Reg. *v.* Sowden [1964] 1 W.L.R. 1454, C.C.A.

Road Traffic Act (20 & 21 Geo. 5, c. 43)—
s. 1: Daley *v.* Hargreaves [1961] 1 W.L.R. 487, D.C.
s. 11 (1): Reg. *v.* Spurge [1961] 2 Q.B. 205; [1961] 3 W.L.R. 23, C.C.A.
s. 19: Reg. *v.* Blamires Transport Services Ltd. [1964] 1 Q.B. 278; [1963] 3 W.L.R. 496, C.C.A.
ss. 35 (1), 36 (1) (*b*): Brown *v.* Roberts [1965] 1 Q.B. 1; [1963] 3 W.L.R. 75
s. 36 (1) (*b*) (ii): Coward *v.* Motor Insurers' Bureau [1963] 1 Q.B. 259; [1962] 2 W.L.R. 663, C.A.

Land Drainage Act (20 & 21 Geo. 5, c. 44)—
s. 12: Sephton *v.* Lancashire River Board [1962] 1 W.L.R. 623
ss. 24 (1), 34, 82 (1): Rippingale Farms Ltd. *v.* Black Sluice Internal Drainage Board [1963] 1 W.L.R. 1347, C.A.
s. 24 (7): Reg. *v.* Trent River Authority, *Ex parte* National Coal Board [1968] 2 Q.B. 640; [1968] 2 W.L.R. 1379, D.C.; [1969] 2 Q.B. 141; [1969] 2 W.L.R. 653, C.A.; [1970] 2 W.L.R. 531, H.L.(E.)
s. 29: Reg. *v.* Hastings Justices, *Ex parte* Pevensey Levels Internal Drainage Board [1962] 2 Q.B. 11; [1962] 2 W.L.R. 463, D.C.
s. 34 (1) (4): Pattinson *v.* Finningley Internal Drainage Board [1970] 2 Q.B. 33; [1970] 2 W.L.R. 622

London Building Act (20 & 21 Geo. 5, c. 97)—
ss. 51, 52 (2) (*a*) (as amended): Maurice *v.* London County Council [1964] 2 Q.B. 362; [1964] 2 W.L.R. 715, C.A.

1932 **Merchant Shipping (Safety and Load Line Conventions) Act** (22 & 23 Geo. 5, c. 9)—
s. 44: Rutberg *v.* Williams [1962] 1 Q.B. 12; [1961] 2 W.L.R. 958

1932 **Carriage by Air Act** (22 & 23 Geo. 5, c. 36)—
s. 1, Sch. 1, arts. 8, 9, 22 (2): Samuel Montagu & Co. Ltd. *v.* Swiss Air Transport Co. Ltd. [1966] 2 Q.B. 306; [1966] 2 W.L.R. 854, C.A.
s. 1, Sch. 1 (Warsaw Convention), arts. 8, 9, 22, 23: Corocraft Ltd. *v.* Pan American Airways Inc. [1969] 1 Q.B. 616; [1968] 3 W.L.R. 714; [1969] 1 Q.B. 616; [1968] 3 W.L.R. 1273, C.A.
Town and Country Planning Act (22 & 23 Geo. 5, c. 48)—
s. 53: East Barnet Urban District Council *v.* British Transport Commission [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134, D.C.
1933 **Evidence (Foreign, Dominion and Colonial Documents) Act** (23 & 24 Geo. 5, c. 4)—
Jasiewicz *v.* Jasiewicz [1962] 1 W.L.R. 1426
Children and Young Persons Act (23 & 24 Geo. 5, c. 12)—
s. 1 (as amended): Reg. *v.* Roe [1967] 1 W.L.R. 634, C.A.
s. 1 (1): Reg. *v.* Hayles [1969] 1 Q.B. 364; [1968] 3 W.L.R. 1106, C.A.
s. 38 (1): Reg. *v.* E. [1964] 1 W.L.R. 671
s. 53 (1) (as amended) (2): Reg. *v.* Abbott [1964] 1 Q.B. 489; [1963] 2 W.L.R. 1011, C.C.A.
ss. 57, 107: Hamlyn *v.* Pearce [1962] 2 Q.B. 346; [1962] 3 W.L.R. 136, D.C.
s. 62: Alhaji Mohamed *v.* Knott [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446, D.C.
ss. 62 (1) (*b*), 76 (1): *In re* T. (A. J. J.) (An Infant) [1970] Ch. 336; [1970] 2 W.L.R. 433; [1970] Ch. 688; [1970] 3 W.L.R. 315, C.A.
Foreign Judgments (Reciprocal Enforcement) Act (23 Geo. 5, c. 13)—
ss. 1, 4: Societe Cooperative Sidmetal *v.* Titan International Ltd. [1966] 1 Q.B. 828; [1965] 3 W.L.R. 847
s. 2 (2): Ferdinand Wagner *v.* Laubscher Bros. & Co. [1970] 2 Q.B. 313; [1970] 2 W.L.R. 1019, C.A.
Pharmacy and Poisons Act (23 & 24 Geo. 5, c. 25)—
ss. 18 (1) (2), 20 (1), 29: Oxford *v.* Sangers Ltd. [1965] 1 Q.B. 491; [1965] 2 W.L.R. 145, D.C.
Rent and Mortgage Interest Restrictions (Amendment) Act (23 & 24 Geo. 5, c. 32)—
s. 3: Peachey Property Corpn. Ltd. *v.* Morley [1967] 1 W.L.R. 1134
s. 3 (1): Peachey Property Corpn. Ltd. *v.* Robinson [1967] 2 Q.B. 543; [1966] 2 W.L.R. 1386, C.A.
s. 3 (1) (*a*), Sch. 1, para. (*d*): Finkle *v.* Strzelczyk [1961] 1 W.L.R. 1201, C.A.
s. 3 (1), Sch. 1: Lircata Properties Ltd. *v.* Jones [1967] 1 W.L.R. 1257
Sch. 1 (*h*): Richter *v.* Wilson [1963] 2 Q.B. 426; [1963] 2 W.L.R. 1247, C.A.
Administration of Justice (Miscellaneous Provisions) Act (23 & 24 Geo. 5, c. 36)—
s. 2 (1): Reg. *v.* Wilson [1968] 1 Q.B. 832; [1967] 3 W.L.R. 810, C.A.
s. 2 (2): Reg. *v.* McDonnell [1966] 1 Q.B. 233; [1965] 3 W.L.R. 1138
Reg. *v.* Lamb (Thomas) [1968] 1 W.L.R. 1946, C.A.
s. 2 (2) (i): Reg. *v.* Roe [1967] 1 W.L.R. 634, C.A.
s. 2 (2) (*b*): *In re* Roberts [1967] 1 W.L.R. 474
s. 6: Watts *v.* Manning [1964] 1 W.L.R. 623, C.A.
Hodges *v.* Harland & Wolff Ltd. [1965] 1 W.L.R. 523, C.A.
Ward *v.* James [1966] 1 Q.B. 273; [1965] 2 W.L.R. 455, C.A.
s. 6 (1) (*a*): Barclays Bank Ltd. *v.* Cole [1967] 2 Q.B. 738; [1967] 2 W.L.R. 166, C.A.
s. 7: *In re* Svenska Aktiebolaget Gasaccumulator's Application [1962] 1 W.L.R. 657, C.A.
Summary Jurisdiction Appeals Act (23 & 24 Geo. 5, c. 38)—
s. 1: David *v.* Comr. of Metropolitan Police [1962] 2 Q.B. 135; [1962] 2 W.L.R. 682, D.C.
Reg. *v.* Bullock [1964] 1 Q.B. 481; [1963] 3 W.L.R. 911, C.C.A.
ss. 1, 5: Berry *v.* British Transport Commission [1961] 1 Q.B. 149; [1962] 1 Q.B. 306; [1961] 3 W.L.R. 450, C.A.
Local Government Act (23 & 24 Geo. 5, c. 51)—
ss. 8, 61: Evans *v.* Thomas [1962] 2 Q.B. 350; [1962] 3 W.L.R. 550, D.C.
s. 22 (2), Sch. 3, Pt. II, para. 3: *In re* Wolverhampton Borough Council's Aldermanic Election [1962] 2 Q.B. 460; [1961] 3 W.L.R. 1139
s. 59 (1) (*a*): Boyd *v.* Easington Rural District Council [1963] 1 W.L.R. 1281
s. 77, Sch. 3, Part VI, para. 5 (2) (4): Bennett *v.* Chappell [1966] Ch. 391; [1965] 3 W.L.R. 829, C.A.
s. 164: Blake *v.* Hendon Corpn. [1962] 1 Q.B. 283; [1961] 3 W.L.R. 951, C.A.
ss. 226 (1) (2), 229 (1): Evans *v.* Collins [1965] 1 Q.B. 580; [1964] 3 W.L.R. 30, D.C.
s. 230: Annison *v.* District Auditor for St. Pancras Borough Council [1962] 1 Q.B. 489; [1961] 3 W.L.R. 1148, D.C.
s. 266 (2): Reg. *v.* Hereford Corpn., *Ex parte* Harrower [1970] 1 W.L.R. 1424
s. 276: Warwickshire County Council *v.* British Railways Board [1969] 1 W.L.R. 1117, C.A.
Prestatyn Urban District Council *v.* Prestatyn Raceway Ltd. [1970] 1 W.L.R. 33
s. 287B (as amended): Plymouth Corpn. *v.* Hurrell [1968] 1 Q.B. 455; [1967] 3 W.L.R. 1289, C.A.
s. 287B (2) (as amended): Greater London Council *v.* Connolly [1970] 2 Q.B. 100; [1970] 2 W.L.R. 658, C.A.
Sch. 3, Pt. V: Princes Investments Ltd. *v.* Frimley and Camberley Urban District Council [1962] 1 Q.B. 681; [1962] 2 W.L.R. 940, D.C.

1933 **Road and Rail Traffic Act** (23 & 24 Geo. 5, c. 53)—
s. 1: Corbett & Miller *v.* Barham (Note) [1965] 1 W.L.R. 187, D.C.
ss. 1, 2: Archbolds (Freightage) Ltd. *v.* S. Spanglett Ltd. [1961] 1 Q.B. 374; [1961] 2 W.L.R. 170, C.A.
ss. 1, 2, 9: Sweetway Sanitary Cleansers Ltd. *v.* Bradley [1962] 2 Q.B. 108; [1961] 3 W.L.R. 196
s. 16: Reg. *v.* Blamires Transport Services Ltd. [1964] 1 Q.B. 278; [1963] 3 W.L.R. 496, C.C.A.
s. 36: Daley *v.* Hargreaves [1961] 1 W.L.R. 487, D.C.

London County Council (General Powers) Act (23 & 24 Geo. 5, c. xxviii)—
s. 69: London County Council *v.* Cutts [1961] 1 W.L.R. 292, D.C.

1934 **Finance Act** (24 & 25 Geo. 5, c. 32)—
s. 28: Morgan *v.* Inland Revenue Comrs. [1963] Ch. 438; [1963] 2 W.L.R. 416, C.A.
In re Kilpatrick's Policies Trusts [1966] Ch. 730; [1966] 2 W.L.R. 1346, Cross J. and C.A.

Law Reform (Miscellaneous Provisions) Act (24 & 25 Geo. 5, c. 41)—
Smith *v.* Leech Brain & Co. Ltd. [1962] 2 Q.B. 405; [1962] 2 W.L.R. 148
s. 1: Andrews *v.* Freeborough [1967] 1 Q.B. 1; [1966] 3 W.L.R. 342, C.A.
Chesworth *v.* Farrar [1967] 1 Q.B. 407; [1966] 2 W.L.R. 1073
s. 1 (1): Naylor *v.* Yorkshire Electricity Board [1967] 1 Q.B. 244; [1966] 3 W.L.R. 654, C.A.; [1968] A.C. 529; [1967] 2 W.L.R. 1114, H.L.(E.)
Rysak *v.* Rysak and Bugajaski [1967] P. 179; [1966] 3 W.L.R. 455
Cain *v.* Wilcock [1968] 1 W.L.R. 1961, C.A.
Burns *v.* Edman [1970] 2 Q.B. 541; [1970] 2 W.L.R. 1005
s. 3: Harbutt's "Plasticine" Ltd. *v.* Wayne Tank and Pump Co. Ltd. [1970] 1 Q.B. 447; [1970] 2 W.L.R. 198, C.A.
s. 3 (1): Jefford *v.* Gee [1970] 2 Q.B. 130; [1970] 2 W.L.R. 702, C.A.
Waite *v.* Redpath Dorman Long Ltd. [1970] 3 W.L.R. 1034.

Betting and Lotteries Act (24 & 25 Geo. 5, c. 58)—
ss. 21, 22: Director of Public Prosecutions *v.* Regional Pool Promotions Ltd. [1964] 2 Q.B. 244; [1964] 2 W.L.R. 209, D.C.
Director of Public Prosecutions *v.* Armstrong [1965] A.C. 1262; [1965] 2 W.L.R. 765, D.C.; [1965] A.C. 1262; [1965] 3 W.L.R. 344, H.L.(E.)
ss. 22, 23, 24: Payne *v.* Bradley [1961] 2 Q.B. 44; [1961] 2 W.L.R. 361, D.C.; [1962] A.C. 343; [1961] 3 W.L.R. 281, H.L.(E.)

1935 **Law Reform (Married Women and Tortfeasors) Act** (25 & 26 Geo. 5, c. 30)—
s. 6 (1) (*c*): Hart *v.* Hall & Pickles Ltd. [1969] 1 Q.B. 405; [1968] 3 W.L.R. 744, C.A.
s. 6 (1) (*c*) (2): Randolph *v.* Tuck [1962] 1 Q.B. 175; [1961] 2 W.L.R. 855
s. 6 (2): Maxfield *v.* Llewellyn [1961] 1 W.L.R. 1119, C.A.

1936 **Public Health Act** (26 Geo. 5 & 1 Edw. 8, c. 49)—
ss. 17, 343: Blackdown Properties Ltd. *v.* Ministry of Housing and Local Government [1967] Ch. 115; [1965] 2 W.L.R. 1353
ss. 23, 31, 331: Radstock Co-operative and Industrial Society *v.* Norton-Radstock Urban District Council [1967] Ch. 1094; [1967] 3 W.L.R. 588
ss. 37, 38: Princes Investments Ltd. *v.* Frimley and Camberley Urban District Council [1962] 1 Q.B. 681; [1962] 2 W.L.R. 940, D.C.
s. 55 (2): Coupe *v.* Barrett [1969] 1 W.L.R. 1333, D.C.
s. 65 (1): Sunley Homes Ltd. *v.* Borg [1970] 1 Q.B. 115; [1969] 3 W.L.R. 496, D.C.
s. 100: Warwick Rural District Council *v.* Miller-Mead [1961] Ch. 590; [1961] 3 W.L.R. 737; [1962] Ch. 441; [1962] 2 W.L.R. 284 C.A.
s. 301: Reg. *v.* East Riding of Yorkshire Quarter Sessions, *Ex parte* Newton [1968] 1 Q.B. 32; [1967] 3 W.L.R. 1098, D.C. and C.A.
s. 331: Radstock Co-operative and Industrial Society Ltd. *v.* Norton-Radstock Urban District Council [1968] Ch. 605; [1968] 2 W.L.R. 1214, C.A.

Housing Act (26 Geo. 5 & 1 Edw. 8, c. 51)—
ss. 72, 73, 74 (as amended by the Acquisition of Land (Authorisation Procedure) Act, 1946 (9 & 10 Geo. 6, c. 49), Sch. 4 and the Housing Act, 1949 (12 & 13 Geo. 6, c. 60), Sch. I): Simpsons Motor Sales (London) Ltd. *v.* Hendon Corpn. [1963] Ch. 57; [1962] 3 W.L.R. 666, C.A.; [1964] A.C. 1088; [1963] 2 W.L.R. 1187, H.L.(E.)

Public Order Act (1 Edw. 8 & 1 Geo. 6, c. 6)—
s. 5: Jordan *v.* Burgoyne [1963] 2 Q.B. 744; [1963] 2 W.L.R. 1045, D.C.
Ward *v.* Holman [1964] 2 Q.B. 580; [1964] 2 W.L.R. 1313, D.C.

London Passenger Transport Act (26 Geo. 5 & 1 Edw. 8, c. cxxxi)—
s. 91 (1) (2) (*a*) (*b*): Covington *v.* Wright [1963] 2 Q.B. 469; [1963] 2 W.L.R. 1232, D.C.

1937 **Firearms Act** (1 Edw. 8 & 1 Geo. 6, c. 12)—
ss. 11 (1), 19 (1): Watts *v.* Seymour [1967] 2 Q.B. 647; [1967] 2 W.L.R. 1072
s. 23 (2): Reg. *v.* Baker [1962] 2 Q.B. 530; [1961] 3 W.L.R. 1205, C.C.A.

1937 **Finance Act** (1 Edw. 8 & 1 Geo. 6, c. 54)—
s. 19 (2) (4): Inland Revenue Comrs. *v.* Olive Mill Ltd. (In Liquidation) [1963] 1 W.L.R. 712
s. 19 (4): Henry Briggs & Co. Ltd. *v.* Inland Revenue Comrs. [1961] 1 W.L.R. 68, H.L.(E.)
ss. 19 (4), 20 (2): E. Y. L. Trading Co. Ltd. *v.* Inland Revenue Comrs. [1961] 1 W.L.R. 1516; [1962] 1 W.L.R. 1072, C.A.
s. 19, Sch. 4, para. 7 (1) (*a*) (as amended): Inland Revenue Comrs. *v.* Clifforia Investments Ltd. [1963] 1 W.L.R. 396
s. 20 (1), Sch. 4, para. 4: Inland Revenue Comrs. *v.* Land Securities Investment Trust Ltd. [1968] 1 W.L.R. 423; [1968] 1 W.L.R. 1446, C.A.; [1969] 1 W.L.R. 604, H.L.(E.)

Factories Act (1 Edw. 8 & 1 Geo. 6, c. 67)—
s. 14 (1): Eaves *v.* Morris Motors Ltd. [1961] 1 W.L.R. 511
Quintas *v.* National Smelting Co. Ltd. [1961] 1 W.L.R. 401, C.A.
Johnson *v.* J. Stone & Co. Ltd. [1961] 1 W.L.R. 849
Sparrow *v.* Fairey Aviation Co. Ltd. [1961] 1 W.L.R. 844; [1962] 1 Q.B. 161; [1961] 3 W.L.R. 855, C.A.; [1964] A.C. 1019; [1962] 3 W.L.R. 1210, H.L.(E.)
Close *v.* Steel Co. of Wales Ltd. [1962] A.C. 367; [1961] 3 W.L.R. 319, H.L.(E.)
Pearce *v.* Stanley-Bridges Ltd. [1965] 1 W.L.R. 931, C.A.
Uddin *v.* Associated Portland Cement Manufacturers Ltd. [1965] 2 Q.B. 15; [1965] 2 W.L.R. 327; [1965] 2 Q.B. 582; [1965] 2 W.L.R. 1183, C.A.
s. 14 (1) (3): Eaves *v.* Morris Motors Ltd. [1961] 2 Q.B. 385; [1961] 3 W.L.R. 657, C.A.
ss. 14 (1), 16: Irwin *v.* White, Tomkins & Courage Ltd. [1964] 1 W.L.R. 387, H.L.(N.I.)
ss. 14, 16, 20: Kelly *v.* John Dale Ltd. [1965] 1 Q.B. 185; [1964] 3 W.L.R. 41
ss. 25, 105: Fisher *v.* Port of London Authority [1962] 1 W.L.R. 234
s. 25 (1) (as amended): Braham *v.* J. Lyons & Co. Ltd. [1962] 1 W.L.R. 1048, C.A.
Marshall *v.* Ericsson Telephones Ltd. [1964] 1 W.L.R. 1367, C.A.
ss. 25 (1), 26 (1) (as amended): Pengelley *v.* Bell Punch Co. Ltd. [1964] 1 W.L.R. 433
s. 26: Gardiner *v.* Admiralty Comrs. [1964] 1 W.L.R. 590, H.L.(Sc.)
s. 26 (1) (2): Ross *v.* Associated Portland Cement Manufacturers Ltd. [1964] 1 W.L.R. 768, H.L.(E.)
s. 26 (2): Wigley *v.* British Vinegars Ltd. [1961] 1 W.L.R. 1261, C.A.; [1964] A.C. 307; [1962] 3 W.L.R. 731, H.L.(E.)
McWilliams *v.* Sir William Arrol & Co. Ltd. [1962] 1 W.L.R. 295, H.L.(Sc.)
s. 49: Prophet *v.* Platt Brothers & Co. Ltd. [1961] 1 W.L.R. 1130, C.A.
s. 151 (1) (6): Newton *v.* John Stanning & Son Ltd. [1962] 1 W.L.R. 30, D.C.
Paul Popper Ltd. *v.* Grimsey [1963] 1 Q.B. 44; [1962] 2 W.L.R. 886, D.C.
s. 151 (1) (6) (9): Longhurst *v.* Guildford, Godalming and District Water Board [1963] A.C. 265; [1961] 3 W.L.R. 915, H.L.(E.)

Local Government Superannuation Act, 1937 (1 Edw. 8 & 1 Geo. 6, c. 68)—
ss. 35, 40 (1): Morren *v.* Swinton and Pendlebury Borough Council [1965] 1 W.L.R. 576, D.C.

National Trust Act (1 Edw. 8 & 1 Geo. 6, c. lvii)—
s. 8: Gee *v.* The National Trust [1966] 1 W.L.R. 170, C.A.

1938 **Trade Marks Act** (1 & 2 Geo. 6, c. 22)—
s. 11: Berlei (U.K.) Ltd. *v.* Bali Brassiere Co. Inc. [1969] 1 W.L.R. 1306, H.L.(E.)
ss. 11, 17: *In re* Stredoceska Fruta Narodni Podnik's Application [1969] 1 W.L.R. 36
ss. 11, 32: *In re* Diehl K.G.'s Application [1970] 2 W.L.R. 944
s. 17: *In re* Cheryl Playthings Ltd. [1962] 1 W.L.R. 543
s. 34 (1) (*e*): *In re* Svenska Aktiebolaget Gasaccumulator's Application [1962] 1 W.L.R. 657, C.A.

Factories Act (Northern Ireland) (2 Geo. 6, c. 23)—
ss. 15, 17: Irwin *v.* White, Tomkins & Courage Ltd. [1964] 1 W.L.R. 387, H.L.(N.I.)

Evidence Act (1 & 2 Geo. 6, c. 28)—
s. 1: Brinkley *v.* Brinkley [1965] P. 75; [1963] 2 W.L.R. 822, D.C.
Saunders *v.* Saunders [1965] P. 499; [1965] 2 W.L.R. 32, D.C.
In the Estate of Bridgewater, decd. [1965] 1 W.L.R. 416
Henaff *v.* Henaff [1966] 1 W.L.R. 598
ss. 1, 2: *In re* Tyler [1967] 1 W.L.R. 1269
s. 1 (1): Harvey *v.* Smith-Wood [1964] 2 Q.B. 171; [1963] 3 W.L.R. 15
Simpson *v.* Lever [1963] 1 Q.B. 517; [1962] 3 W.L.R. 1374
Hilton *v.* Lancashire Dynamo Nevelin Ltd. [1964] 1 W.L.R. 952
Dass *v.* Masih [1968] 1 W.L.R. 756, C.A.
s. 1 (1) (2): Reed *v.* Columbia Fur Dressers & Dyers Ltd. [1965] 1 W.L.R. 13
ss. 1 (1) (3), 2 (1): Bearmans Ltd. *v.* Metropolitan Police District Receiver [1961] 1 W.L.R. 634, C.A.

1938 Evidence Act—*continued.*
ss. 1 (1), 2 (2): Senat *v.* Senat [1965] P. 172; [1965] 2 W.L.R. 981
s. 1 (2): Practice Direction (Medical Inspection: Evidence) [1967] 1 W.L.R. 1557
s. 1 (3): Tapner *v.* Strange [1965] 1 W.L.R. 942
Constantinou *v.* Frederick Hotels Ltd. [1966] 1 W.L.R. 75, C.A.
W. & M. Wood (Haulage) Ltd. *v.* Redpath [1967] 2 Q.B. 520; [1966] 3 W.L.R. 526

Leasehold Property (Repairs) Act (1 & 2 Geo. 6, c. 34)—
s. 1 (1) (3) (4) (as amended): Sidnell *v.* Wilson [1966] 2 Q.B. 67; [1966] 2 W.L.R. 560, C.A.
s. 1 (1) (5) (as amended): *In re* Metropolitan Film Studios Ltd.'s Application [1962] 1 W.L.R. 1315
s. 1 (3): Pascall *v.* Galinski [1970] 1 Q.B. 38; [1969] 3 W.L.R. 626, C.A.

Inheritance (Family Provision) Act (1 & 2 Geo. 6, c. 45)—
Practice Direction (Title of Proceedings) [1963] 1 W.L.R. 417
s. 1 (as amended): *In re* Clayton, decd. [1966] 1 W.L.R. 969
In re E., decd. [1966] 1 W.L.R. 709
In re Sivyer, decd. [1967] 1 W.L.R. 1482
In re Clarke, decd. [1968] 1 W.L.R. 415
s. 1: *In re* Knowles, decd. [1966] Ch. 386; [1966] 3 W.L.R. 51
In re Jennery, decd. [1967] Ch. 280; [1967] 2 W.L.R. 201, C.A.
s. 1 (*b*) (as amended): *In re* Ducksbury, decd. [1966] 1 W.L.R. 1226
s. 1 (1) (as amended): *In re* Goodwin, decd. [1969] 1 Ch. 283; [1968] 3 W.L.R. 558
s. 1 (1) (*b*) (as amended): *In re* Rodwell, decd. [1970] Ch. 726; [1969] 3 W.L.R. 1115
s. 1 (1) (6) (as amended): *In re* Thornley, decd. [1969] 1 W.L.R. 1037, C.A.
s. 1 (7) (as amended): *In re* Blanch, decd. [1967] 1 W.L.R. 987
ss. 1, 3, 4 (1) (*a*) (as amended): *In re* Gale, decd. [1966] Ch. 236; [1966] 2 W.L.R. 571, C.A.
s. 2 (1): *In re* McNare, decd. [1964] 1 W.L.R. 1255
In re Chittenden, decd. [1970] 1 W.L.R. 1618
s. 2 (1) (as amended): *In re* Ruttie, decd. [1970] 1 W.L.R. 89
s. 2 (1) (1A) (as amended): *In re* Bluston, decd. [1967] Ch. 615; [1966] 3 W.L.R. 583, Cross J. and C.A.
In re Hodgkinson, decd. (Note) [1967] Ch. 634; [1966] 3 W.L.R. 596, C.A.
s. 2 (1) (1A) (*c*) (as amended): *In re* Miller, decd. [1969] 1 W.L.R. 583
s. 2 (1A) (as amended): *In re* Kay, decd. [1965] 1 W.L.R. 1463
s. 3 (1) (2) (as amended): *In re* Preston, decd. [1969] 1 W.L.R. 317
s. 21 (1) (6) (7) (as amended): *In re* Gregory, decd. [1970] 1 W.L.R. 1455, C.A.

Finance Act (1 & 2 Geo. 6, c. 46)—
s. 50: Littlewoods Mail Order Stores Ltd. *v.* Inland Revenue Comrs. [1961] Ch. 210; [1961] 2 W.L.R. 25; [1961] Ch. 597; [1961] 3 W.L.R. 509, C.A.; [1963] A.C. 135; [1962] 2 W.L.R. 1228, H.L.(E.)
s. 50 (1) (*a*) (2): Shop & Store Developments Ltd. *v.* Inland Revenue Comrs. [1966] Ch. 108; [1965] 3 W.L.R. 197; [1966] Ch. 108; [1966] 2 W.L.R. 25, C.A.; [1967] 1 A.C. 472; [1967] 2 W.L.R. 35, H.L.(E.)
s. 281: Inland Revenue Comrs. *v.* Olive Mill Ltd. (In Liquidation) [1963] 1 W.L.R. 712

Hire-Purchase Act (1 & 2 Geo. 6, c. 53)—
ss. 2 (1) (2), 5 (*e*): Campbell Discount Co. Ltd. *v.* Gall [1961] 1 Q.B. 431; [1961] 2 W.L.R. 514, C.A.
s. 4 (1): Campbell Discount Co. Ltd. *v.* Bridge [1962] A.C. 600; [1962] 2 W.L.R. 439, H.L.(E.)
s. 11: Unity Finance Ltd. *v.* Woodcock [1963] 1 W.L.R. 455, C.A.
Mercantile Credit Co. Ltd. *v.* Cross [1965] 2 Q.B. 205; [1965] 2 W.L.R. 687, C.A.
s. 21 (1): Mutual Finance Ltd. *v.* Davidson [1963] 1 W.L.R. 134, C.A.

1939 Limitation Act (2 & 3 Geo. 6, c. 21)—
Robinson *v.* Unicos Property Corpn. Ltd. [1962] 1 W.L.R. 520, C.A.
Rodriguez *v.* R. J. Parker (Male) [1967] 1 Q.B. 116; [1966] 3 W.L.R. 546
s. 2: Bagot *v.* Stevens Scanlan & Co. Ltd. [1966] 1 Q.B. 197; [1964] 3 W.L.R. 1162, D.C.
s. 2 (1): Cartledge *v.* E. Jopling & Sons Ltd. [1962] 1 Q.B. 189; [1961] 3 W.L.R. 838, C.A.; [1963] A.C. 758; [1963] 2 W.L.R. 210, H.L.(E.)
Letang *v.* Cooper [1965] 1 Q.B. 232; [1964] 3 W.L.R. 573, C.A.
Marren *v.* Dawson Bentley & Co. Ltd. [1961] 2 Q.B. 135; [1961] 2 W.L.R. 679
Pontin *v.* Wood [1962] 1 Q.B. 594; [1961] 3 W.L.R. 1118
Whittam *v.* W. J. Daniel & Co. Ltd. [1962] 1 Q.B. 271; [1961] 3 W.L.R. 1123, C.A.
Long *v.* Hepworth [1968] 1 W.L.R. 1299
s. 2 (1) (*a*) (4): Berliner Industriebank Aktiengesellschaft *v.* Jost [1970] 3 W.L.R. 743
s. 2 (1) (*d*) (3): Central Electricity Board *v.* Halifax Corpn. [1963] A.C. 785; [1962] 3 W.L.R. 1313, H.L.(E.)
ss. 2 (1) (*d*), 23 (4): Good *v.* Parry [1963] 2 Q.B. 418; [1963] 2 W.L.R. 846, C.A.
ss. 2 (1), 22 (as amended): Duncan *v.* Lambeth London Borough Council [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88

1939 **Limitation Act**—*continued.*

ss. 2 (1), 26 (*b*): Clark *v.* Woor [1965] 1 W.L.R. 650

ss. 2, 23 (4): Busch *v.* Stevens [1963] 1 Q.B. 1; [1962] 2 W.L.R. 511

ss. 3 (1) (2), 26 (*b*), 31 (4): Eddis *v.* Chichester Constable [1969] 2 Ch. 345; [1969] 3 W.L.R. 48, C.A.

s. 4 (1): Fowley Marine (Emsworth) Ltd. *v.* Gafford [1967] 2 Q.B. 808; [1967] 2 W.L.R. 1461

ss. 4 (3), 5 (3), 9 (1), 10 (1): Hughes *v.* Griffin [1969] 1 W.L.R. 23, C.A.

ss. 4 (3), 9 (1): E. R. Ives Investment Ltd. *v.* High [1967] 2 Q.B. 379; [1967] 2 W.L.R. 789, C.A.

ss. 4 (3), 9 (2), 10 (1) (2): Hayward *v.* Chaloner [1968] 1 Q.B. 107; [1967] 3 W.L.R. 1068, C.A.

ss. 4 (3), 9 (3), 10 (1) (2) (3), 16: Bligh *v.* Martin [1968] 1 W.L.R. 804

s. 18 (5): Holmes *v.* Cowcher [1970] 1 W.L.R. 834

s. 19 (2), proviso: *In re* Pauling's Settlement Trusts [1964] Ch. 303; [1963] 3 W.L.R. 742, C.A.

ss. 22 (*d*), 31 (1) (2) (as amended): Kirby *v.* Leather [1965] 2 Q.B. 367; [1965] 2 W.L.R. 1318, C.A.

s. 22 (2) (*b*) (as amended): Brook *v.* Hoar [1967] 1 W.L.R. 1336
Hewer *v.* Bryant [1969] 1 Q.B. 415; [1968] 3 W.L.R. 910; [1970] 1 Q.B. 357; [1969] 3 W.L.R. 425, C.A.

s. 23 (4): *In re* Footman Bower & Co. Ltd. [1961] Ch. 443; [1961] 2 W.L.R. 667
Consolidated Agencies Ltd. *v.* Bertram Ltd. [1965] A.C. 470; [1964] 3 W.L.R. 671, P.C.

ss. 23 (4), 24: Lovell *v.* Lovell [1970] 1 W.L.R. 1451, C.A.

ss. 23 (4), 24 (1) (2): *In re* Flynn, decd. (No. 2) [1969] 2 Ch. 403; [1969] 2 W.L.R. 1148

s. 24 (1): Dungate *v.* Dungate [1965] 1 W.L.R. 1477, Edmund Davies J. and C.A.

s. 26: Eddis *v.* Chichester Constable [1969] 1 W.L.R. 385

London Government Act (2 & 3 Geo. 6, c. 40)—

s. 173 (3) (7): Evans *v.* Lloyd [1962] 2 Q.B. 471; [1962] 2 W.L.R. 541, D.C.

s. 173 (1) (7): Wilson *v.* Evans [1962] 2 Q.B. 383; [1962] 2 W.L.R. 532, D.C.

House to House Collections Act (2 & 3 Geo. 6, c. 44)—

s. 11 (1) (2): Carasu Ltd. *v.* Smith [1968] 2 Q.B. 383; [1968] 2 W.L.R. 1354, D.C.

Finance Act (3 & 4 Geo. 6, c. 29)—

s. 43: *In re* Holmden's Settlement Trusts [1965] 1 W.L.R. 420; [1966] Ch. 511; [1966] 3 W.L.R. 1, C.A.; [1968] A.C. 685; [1968] 2 W.L.R. 300, H.L.(E.)
In re Ralli's Settlements [1965] Ch. 265; [1964] 2 W.L.R. 1351; [1965] Ch. 286; [1964] 3 W.L.R. 1240, C.A.; [1966] A.C. 483; [1966] 2 W.L.R. 119, H.L.(E.)

s. 43 (as amended): Gartside *v.* Inland Revenue Comrs. [1967] Ch. 543; [1966] 3 W.L.R. 759; [1968] A.C. 553; [1967] 3 W.L.R. 671, C.A.; [1968] A.C. 553; [1968] 2 W.L.R. 277, H.L.(E.)
Sainsbury *v.* Inland Revenue Comrs. [1970] Ch. 712; [1969] 3 W.L.R. 760

s. 43 (1): Dunn *v.* Inland Revenue Comrs. [1961] Ch. 453; [1961] 2 W.L.R. 769

s. 44 (as amended): *In re* Harmsworth, decd. [1967] Ch. 826; [1966] 3 W.L.R. 1077; [1967] Ch. 826; [1967] 3 W.L.R. 152, C.A.

ss. 50 (1), 55 (1) (2): *In re* Sutherland, decd. [1963] A.C. 235; [1961] 3 W.L.R. 1062, H.L.(E.)

1940 **Finance (No. 2) Act** (3 & 4 Geo. 6, c. 48)—

s. 14 (1): Inland Revenue Comrs. *v.* Land Securities Investment Trust Ltd. [1968] 1 W.L.R. 423; [1968] 1 W.L.R. 1446, C.A.; [1969] 1 W.L.R. 604, H.L.(E.)

s. 21 (1), Sch. 8: J. & C. Moores Ltd. *v.* Comrs. of Customs and Excise [1963] 1 W.L.R. 356; [1963] 1 W.L.R. 1105, C.A.; [1964] 1 W.L.R. 817, H.L.(E.)

s. 25 (1): Warwickshire Publishing Co. Ltd. *v.* Comrs. of Customs and Excise [1969] 1 W.L.R. 240; [1970] 1 W.L.R. 457, C.A.

s. 33 (1): Comrs. of Customs and Excise *v.* Cure & Deeley Ltd. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798

1941 **Pharmacy and Medicines Act** (4 & 5 Geo. 6, c. 42)—

s. 17 (1): Greenwood *v.* Whelan [1967] 1 Q.B. 396; [1967] 2 W.L.R. 289, D.C.

1942 **Welsh Courts Act, 1942** (5 & 6 Geo. 6, c. 40)—

Evans *v.* Thomas [1962] 2 Q.B. 350; [1962] 3 W.L.R. 550, D.C.

s. 1: Reg. *v.* Merthyr Tydfil Justices, *Ex parte* Jenkins [1967] 2 Q.B. 21; [1967] 2 W.L.R. 281, D.C.

1943 **Town and Country Planning (Interim Development) Act** (6 & 7 Geo. 6, c. 29)—

s. 4: Rose *v.* Leeds Corpn. [1964] 1 W.L.R. 1393, C.A.

Pensions Appeal Tribunals Act (6 & 7 Geo. 6, c. 39)—

s. 6 (2): Cadney *v.* Minister of Pensions and National Insurance [1966] 1 W.L.R. 80

s. 11: Carroll *v.* Hooper [1964] 1 W.L.R. 345

1944 **Finance Act** (7 & 8 Geo. 6, c. 23)—

s. 40: *In re* Harmsworth, decd. [1967] Ch. 826; [1967] 3 W.L.R. 152, C.A.

1944 **Education Act** (7 & 8 Geo. 6, c. 31)—
ss. 8, 11, 12, 17, 76, 99, 111: Wood *v.* Ealing London Borough Council [1967] Ch. 364; [1966] 3 W.L.R. 1209
ss. 8, 68, 76, 99: Cumings *v.* Birkenhead Corpn. [1970] 3 W.L.R. 871
s. 10: Reffell *v.* Surrey County Council [1964] 1 W.L.R. 358
ss. 10, 13, 99: Bradbury *v.* Enfield London Borough Council [1967] 1 W.L.R. 1311, C.A.
s. 24 (2): Hannam *v.* Bradford Corpn. [1970] 1 W.L.R. 937, C.A.
ss. 36, 37 (2): *In re* Baker (Infants) [1961] Ch. 303; [1961] 2 W.L.R. 626; [1962] Ch. 201; [1961] 3 W.L.R. 694, C.A.
s. 39 (1): Hinchley *v.* Rankin [1961] 1 W.L.R. 421, D.C.

1945 **Law Reform (Contributory Negligence) Act** (8 & 9 Geo. 6, c. 28)—
s. 1 (1): Quinn *v.* Burch Bros. (Builders) Ltd. [1966] 2 Q.B. 320; [1966] 2 W.L.R. 430
Lane *v.* Holloway [1968] 1 Q.B. 379; [1967] 3 W.L.R. 1003, C.A.

Family Allowances Act (8 & 9 Geo. 6, c. 41)—
ss. 4, 9 (*b*), 10: Reg. *v.* Curr [1968] 2 Q.B. 944; [1967] 2 W.L.R. 595, C.A.

1946 **Bretton Woods Agreements Act** (9 & 10 Geo. 6, c. 19)—
Sharif *v.* Azad [1967] 1 Q.B. 605; [1966] 3 W.L.R. 1285, C.A.

Dock Workers (Regulation of Employment) Act (9 & 10 Geo. 6, c. 22)—
s. 6: National Dock Labour Board *v.* John Bland & Co. Ltd. [1970] 2 Q.B. 333; [1969] 3 W.L.R. 1063, D.C.; [1970] 2 Q.B. 333; [1970] 2 W.L.R. 1251, C.A.

Furnished Houses (Rent Control) Act (9 & 10 Geo. 6, c. 34)—
s. 2: Reg. *v.* Paddington and St. Marylebone Rent Tribunal, *Ex parte* Haines [1962] 1 Q.B. 388; [1961] 3 W.L.R. 1133, D.C.
s. 2 (2): Reg. *v.* West London Rent Tribunal, *Ex parte* Napper [1967] 1 Q.B. 169; [1966] 2 W.L.R. 76, D.C.
ss. 7 (1), 51 (1) (2): Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Moore [1965] 1 Q.B. 456; [1965] 2 W.L.R. 89, C.A.
ss. 12, 14 (1), 36 (1) (*c*) (2) (as amended): Reg. *v.* Industrial Injuries Comr., *Ex parte* Ward [1965] 2 Q.B. 112; [1965] 2 W.L.R. 19, D.C.
s. 14 (1) (4) (as amended): Reg. *v.* Industrial Injuries Comr., *Ex parte* Humphreys [1965] 2 Q.B. 412; [1965] 3 W.L.R. 456, D.C.

Building Restrictions (War-Time Contraventions) Act (9 & 10 Geo. 6, c. 35)—
ss. 4 (1), 7 (3): Rose *v.* Leeds Corpn. [1964] 1 W.L.R. 1393, C.A.

National Insurance (Industrial Injuries) Act (9 & 10 Geo. 6, c. 62)—
s. 1, Sch. 1, Pt. I, 1: Amalgamated Engineering Union *v.* Minister of Pensions and National Insurance [1963] 1 W.L.R. 441
s. 1, Sch. 1, Pt. I: Whittaker *v.* Minister of Pensions and National Insurance [1967] 1 Q.B. 156; [1966] 3 W.L.R. 1090
s. 7 (1) (4): Reg. *v.* Industrial Injuries Comr., *Ex parte* Amalgamated Engineering Union (No. 2) [1966] 2 Q.B. 31; [1966] 2 W.L.R. 97, C.A.
ss. 7, 36 (as amended): Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Amalgamated Engineering Union, *In re* Dowling [1967] 1 Q.B. 202; [1966] 2 W.L.R. 1301, D.C. and C.A.; [1967] 1 A.C. 725; [1967] 2 W.L.R. 516, H.L.(E.)
s. 9 (1): Vandyke *v.* Fender [1969] 2 Q.B. 581; [1969] 3 W.L.R. 217; [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929, C.A.
s. 14 (1) (4) (as amended): Reg. *v.* Deputy Industrial Injuries Comr., *Ex parte* Humphreys [1966] 2 Q.B. 1; [1966] 2 W.L.R. 63, C.A.

Finance Act (9 & 10 Geo. 6, c. 64)—
s. 20 (3): Reg. *v.* Harz; Reg. *v.* Power [1967] 1 A.C. 760; [1966] 3 W.L.R. 1241, C.C.A.; [1967] 1 A.C. 760; [1967] 2 W.L.R. 516, H.L.(E.)

National Insurance Act (9 & 10 Geo. 6, c. 67)—
s. 13 (1): Punton *v.* Ministry of Pensions and National Insurance (No. 2) [1963] 1 W.L.R. 1176; [1964] 1 W.L.R. 225, C.A.
Market Investigations Ltd. *v.* Minister of Social Security [1969] 2 Q.B. 173; [1969] 2 W.L.R. 1

Education (Scotland) Act (9 & 10 Geo. 6, c. 72)—
In re Mackenzie, decd. [1962] 1 W.L.R. 880

National Health Service Act (9 & 10 Geo. 6, c. 81)—
s. 3: Northern Ireland Hospitals Authority *v.* Whyte [1963] 1 W.L.R. 882, H.L.(N.I.)
ss. 4, 5: *In re* Adams, decd. [1967] 1 W.L.R. 162
ss. 4, 5, 54, 59: *In re* Adams, decd. [1968] Ch. 80; [1967] 3 W.L.R. 1088, C.A.
s. 11: *In re* Lowry's Will Trusts [1967] Ch. 638; [1967] 2 W.L.R. 401
ss. 28 (1), 79 (1): Jewish Blind Society Trustees *v.* Henning [1961] 1 W.L.R. 24, C.A.
ss. 33, 42: Reg. *v.* Ministry of Health, *Ex parte* Ellis [1968] 1 Q.B. 84; [1967] 3 W.L.R. 1081, D.C.
s. 35: Macfarlane *v.* Kent [1965] 1 W.L.R. 1019
s. 38: Appleby *v.* Sleep [1968] 1 W.L.R. 948, D.C.

1947 **Exchange Control Act** (10 & 11 Geo. 6, c. 14)—
- s. 1: *In re* H. P. C. Productions Ltd. [1962] Ch. 466; [1962] 2 W.L.R. 51
- ss. 1 (1), 42 (1): Freed *v.* Director of Public Prosecutions [1969] 2 Q.B. 115; [1969] 2 W.L.R. 390, D.C.
- s. 7: Shaw *v.* Shaw [1965] 1 W.L.R. 537, C.A.
- s. 22 (1), Sch. 5, Pt. 2, para. 1 (1); Pt. 3, para. 1 (1): Reg. *v.* Goswami [1969] 1 Q.B. 453; [1968] 2 W.L.R. 1163, C.A.
- s. 23 (1) (4): Superheater Co. Ltd. *v.* Comrs. of Customs and Excise [1969] 1 W.L.R. 858, D.C.

Finance Act (10 & 11 Geo. 6, c. 35)—
- ss. 30 (3), 35 (1) (*c*), 36 (4): Inland Revenue Comrs. *v.* J. B. Hodge & Co. (Glasgow) Ltd. [1961] 1 W.L.R. 1218, H.L.(Sc.)
- s. 35 (1) (*b*) (*c*): E. Y. L. Trading Co. Ltd. *v.* Inland Revenue Comrs. [1961] 1 W.L.R. 1516; [1962] 1 W.L.R. 1072, C.A.

Crown Proceedings Act (10 & 11 Geo. 6, c. 44)—
- s. 2 (5): Ranaweera *v.* Ramachandran [1970] A.C. 462; [1970] 2 W.L.R. 500, P.C.
- s. 9 (2) (*b*): Building and Civil Engineering Holidays Scheme Management Ltd. *v.* Post Office [1964] 2 Q.B. 430; [1964] 2 W.L.R. 967; [1966] 1 Q.B. 247; [1965] 2 W.L.R. 72, C.A.
- s. 14: *In re* Park, decd. [1970] 1 W.L.R. 626, Goff J. and C.A.
- s. 21: International General Electric Company of New York Ltd. *v.* Comrs. of Customs and Excise [1962] Ch. 784; [1962] 3 W.L.R. 20, C.A.

Agriculture Act (10 & 11 Geo. 6, c. 48)—
- s. 109 (1), (3): J. M. Knowles Ltd. *v.* Rand [1962] 1 W.L.R. 893, D.C.

Transport Act (10 & 11 Geo. 6, c. 49)—
- s. 3 (4): British Transport Commission *v.* Hingley [1961] 2 Q.B. 16; [1961] 2 W.L.R. 370, C.A.

Town and Country Planning Act (10 & 11 Geo. 6, c. 51)—
- s. 5: Bolton Corpn. *v.* Owen [1962] 1 Q.B. 470; [1962] 2 W.L.R. 307, C.A.
- s. 12: Cheshire County Council *v.* Woodward [1962] 2 Q.B. 126; [1962] 2 W.L.R. 636, D.C.
- s. 12 (1) (2) (5): Glamorgan County Council *v.* Carter [1963] 1 W.L.R. 1, D.C.
- s. 12 (2): Ching Garage Ltd. *v.* Chingford Corpn. [1961] 1 W.L.R. 470, H.L.(E.)
  - East Barnet Urban District Council *v.* British Transport Commission [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134, D.C.
- s. 12 (2) (3): Birmingham Corpn. *v.* Habib Ullah [1964] 1 Q.B. 178; [1963] 3 W.L.R. 937, D.C.
- s. 14 (1) (2): Hall & Co. Ltd. *v.* Shoreham-by-Sea Urban District Council [1964] 1 W.L.R. 240, C.A.
- s. 14 (1) (2) (*b*): Kingsway Investments (Kent) Ltd. *v.* Kent County Council [1969] 2 Q.B. 332; [1969] 2 W.L.R. 249, C.A.; [1970] 2 W.L.R. 397, H.L.(E.)
- ss. 14 (1), 15 (1) (2): Rhodes *v.* Minister of Housing and Local Government [1963] 1 W.L.R. 208
- s. 17 (1): Edgwarebury Park Investments Ltd. *v.* Minister of Housing and Local Government [1963] 2 Q.B. 408; [1963] 2 W.L.R. 257, D.C.
- ss. 18 (3), 21, 22: Wilson *v.* West Sussex County Council [1963] 2 Q.B. 764; [1963] 2 W.L.R. 669, C.A.
- s. 23: Southend-on-Sea Corpn. *v.* Hodgson (Wickford) Ltd. [1962] 1 Q.B. 416; [1961] 2 W.L.R. 806, D.C.
  - Gregson *v.* Cyril Lord Ltd. [1963] 1 W.L.R. 41, C.A.
- s. 23 (1): Caravans and Automobiles Ltd. *v.* Southall Borough Council [1963] 1 W.L.R. 690, D.C.
  - Miller-Mead *v.* Minister of Housing and Local Government [1963] 2 Q.B. 196; [1963] 2 W.L.R. 225, C.A.
- s. 24 (1): Arcam Demolition & Construction Co. Ltd. *v.* Worcestershire County Council [1964] 1 W.L.R. 661
- s. 24 (3): Reg. *v.* Chertsey Justices, *Ex parte* Franks [1961] 2 Q.B. 152; [1961] 2 W.L.R. 442, D.C.
- ss. 25, 36: Crittenden (Warren Park) Ltd. *v.* Surrey County Council [1966] 1 W.L.R. 25
- s. 29: Iveagh (Earl of) *v.* Minister of Housing and Local Government [1962] 2 Q.B. 147; [1961] 3 W.L.R. 708; [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974, C.A.
- s. 33 (1) (2): Britt *v.* Buckinghamshire County Council [1964] 1 Q.B. 77; [1963] 2 W.L.R. 722, C.A.
- s. 49: Jolliffe *v.* Exeter Corpn. [1967] 1 W.L.R. 350; [1967] 1 W.L.R. 993, C.A.
- s. 65 (3): *In re* Sneyd, decd. [1961] 1 W.L.R. 575
- s. 76 (2) (3): Rose *v.* Leeds Corpn. [1964] 1 W.L.R. 1393, C.A.
- s. 87 (2) (*b*): Ministry of Agriculture, Fisheries and Food *v.* Jenkins [1963] 2 Q.B. 317; [1963] 2 W.L.R. 906, C.A.
  - Reg. *v.* Kent Justices, *Ex parte* Crittenden [1964] 1 Q.B. 144; [1963] 2 W.L.R. 1124, D.C.

Electricity Act (10 & 11 Geo. 6, c. 54)—
- ss. 14 (1) (2), 15 (1) (3): Central Electricity Board *v.* Halifax Corpn. [1963] A.C. 785; [1962] 3 W.L.R. 1313, H.L.(E.)
- s. 37 (8): London Electricity Board *v.* Springate [1969] 1 W.L.R. 524, C.A.

1948 **Ceylon Independence Act** (11 & 12 Geo. 6, c. 7)—
Ibralebbe *v.* The Queen [1964] A.C. 900; [1964] 2 W.L.R. 76, P.C.
s. 1 (1) (2) (3), Schs. 1, para. 1 (1) (2), 2: Liyanage *v.* The Queen [1966] 2 W.L.R. 682, P.C.

Finance (No. 2) Act (11 & 12 Geo. 6, c. 9)—
s. 6 (1) (2) (5) (6): Customs and Excise Comrs. *v.* Dodd [1961] 1 W.L.R. 144

Local Government Act (11 & 12 Geo. 6, c. 26)—
Reg. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. [1964] 1 W.L.R. 1186, D.C.
s. 48 (4), 49 (1): Morecambe and Heysham Corpn. *v.* Robinson [1961] 1 W.L.R. 373, C.A.
ss. 48 (4), 49 (as amended): Oswestry Corpn. *v.* Hudd [1966] 1 W.L.R. 363, C.A.
s. 58 (1) (2) (as amended): Watney Mann Ltd. *v.* Langley [1966] 1 Q.B. 457; [1964] 2 W.L.R. 858

National Assistance Act (11 & 12 Geo. 6, c. 29)—
ss. 21, 29 (1): Jewish Blind Society Trustees *v.* Henning [1961] 1 W.L.R. 24, C.A.
ss. 37, 38 (4): Retarded Children's Aid Society Ltd. *v.* Barnet London Borough Council [1969] 2 Q.B. 22; [1969] 2 W.L.R. 65, D.C.
ss. 42 (1) (*a*), 43 (1): Imam Din *v.* National Assistance Board [1967] 2 Q.B. 213; [1967] 2 W.L.R. 257, D.C.
s. 44: Clapham *v.* National Assistance Board [1961] 2 Q.B. 77; [1960] 2 W.L.R. 448, D.C.
Payne *v.* Critchley and National Assistance Board [1962] 2 Q.B. 83; [1962] 2 W.L.R. 562, D.C.

River Boards Act (11 & 12 Geo. 6, c. 32)—
s. 22: Sephton *v.* Lancashire River Board [1962] 1 W.L.R. 623

Companies Act (11 & 12 Geo. 6, c. 38)—
ss. 2, 108: Whittam *v.* W. J. Daniel & Co. Ltd. [1962] 1 Q.B. 271; [1961] 3 W.L.R. 1123, C.A.
ss. 2 (1) (2) (*a*), 5 (1) (*e*), 23 (1), 455 (1): *In re* Hampstead Garden Suburb Trust Ltd. [1962] Ch. 806; [1962] 3 W.L.R. 474
s. 11: Gaiman *v.* National Association for Mental Health [1970] 3 W.L.R. 42
s. 54: South Western Mineral Water Co. Ltd. *v.* Ashmore [1967] 1 W.L.R. 1110
s. 54 (1): Curtis's Furnishing Stores Ltd. *v.* Freedman [1966] 1 W.L.R. 1219
Selangor United Rubber Estates Ltd. *v.* Cradock (No. 3) [1968] 1 W.L.R. 1555
s. 66 (1): *In re* William Jones & Sons Ltd. [1969] 1 W.L.R. 146
ss. 67 (2) (*c*) (3): *In re* Lucania Temperance Billiard Halls (London) Ltd. [1966] Ch. 98; [1966] 2 W.L.R. 5
s. 72: *In re* Saltdean Estate Co. Ltd. [1968] 1 W.L.R. 1844
s. 75: *In re* Paradise Motor Co. Ltd. [1968] 1 W.L.R. 1125, C.A.
ss. 78, 116: *In re* Swaledale Cleaners Ltd. [1968] 1 W.L.R. 432; [1968] 1 W.L.R. 1710, C.A.
ss. 95 (1), 96, 98 (1) (2), 101: *In re* C. L. Nye Ltd. [1970] 3 W.L.R. 158, C.A
s. 95 (1) (2): *In re* Overseas Aviation Engineering (G.B.) Ltd. [1962] Ch. 738; [1962] 2 W.L.R. 968
Independent Automatic Sales Ltd. *v.* Knowles & Foster [1962] 1 W.L.R. 974
s. 95 (1) (2) (*c*): Stoneleigh Finance Ltd. *v.* Phillips [1965] 2 Q.B. 537; [1965] 2 W.L.R. 508, C.A.
s. 95 (1) (2) (*d*) (*e*): *In re* Molton Finance Ltd. [1968] Ch. 325; [1967] 3 W.L.R. 1561, C.A.
s. 95 (1) (2) (*e*): Paul and Frank Ltd. *v.* Discount Bank (Overseas) Ltd. and the Board of Trade [1967] Ch. 348; [1966] 3 W.L.R. 490
ss. 95 (1) (2), 96 (1) (2), 98 (1) (2), 101, 320 (1); *In re* Eric Holmes (Property) Ltd. [1965] Ch. 1052; [1965] 2 W.L.R. 1260
ss. 95, 96, 98, 101: *In re* C. L. Nye Ltd. [1969] 2 W.L.R. 1380
ss. 95, 97: Capital Finance Co. Ltd. *v.* Stokes [1968] 1 W.L.R. 1158; [1969] 1 Ch. 261; [1968] 3 W.L.R. 899, C.A.
ss. 95, 98 (2): *In re* F.L.E. Holdings Ltd. [1967] 1 W.L.R. 1409
ss. 95 (1) (2), 325 (as amended): *In re* Overseas Aviation Engineering (G.B.) Ltd. [1963] Ch. 24; [1962] 3 W.L.R. 594, C.A.
ss. 95 (1) (5), 101, 598 (2): *In re* Mechanisations (Eaglescliffe) Ltd. [1966] Ch. 20; [1965] 2 W.L.R. 702
ss. 98, 353 (6): *In re* Boxco Ltd. [1970] Ch. 442; [1970] 2 W.L.R. 959
s. 101: *In re* Heathstar Properties Ltd. [1966] 1 W.L.R. 993
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ss. 127, 129 (4), Sch. 7, paras. 1, 2 (1) (2). 7 (1), 9: Qualter, Hall & Co. Ltd. *v.* Board of Trade [1961] Ch. 121; [1961] 2 W.L.R. 63; [1962] Ch. 273; [1961] 3 W.L.R. 825, C.A.
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ss. 165, 169 (3): *In re* A.B.C. Coupler and Engineering Co. Ltd. [1962] 1 W.L.R. 1236
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s. 167 (2): Selangor United Rubber Estates Ltd. *v.* Cradock (No. 2) [1968] 1 W.L.R. 319
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s. 169 (3): *In re* Allied Produce Co. Ltd. [1967] 1 W.L.R. 1469
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s. 209: Ridge Nominees Ltd. *v.* Inland Revenue Comrs. [1962] Ch. 376; [1962] 2 W.L.R. 3, C.A.
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s. 210: *In re* Five Minute Car Wash Service Ltd. [1966] 1 W.L.R. 745
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s. 224: John Mackintosh & Sons Ltd. *v.* Baker's Bargain Stores (Seaford) Ltd. (1965) L.R. 5 R.P. 305; [1965] 1 W.L.R. 1182
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s. 224 (1): *In re* Gattopardo Ltd. [1969] 1 W.L.R. 619, C.A.
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s. 319 (4): *In re* James R. Rutherford & Sons Ltd. [1964] 1 W.L.R. 1211
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s. 322 (1): *In re* Yeovil Glove Co. Ltd. [1963] Ch. 528; [1962] 3 W.L.R. 900; [1965] Ch. 148; [1964] 3 W.L.R. 406, C.A.
s. 323 (4): *In re* A.B.C. Coupler & Engineering Co. Ltd. (No. 3) [1970] 1 W.L.R. 702
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s. 325 (1) (*c*): *In re* Redman (Builders) Ltd. [1964] 1 W.L.R. 541
s. 325 (1) (2): *In re* Rainbow Tours Ltd. [1964] Ch. 66; [1963] 3 W.L.R. 459
s. 332: *In re* Cyona Distributors Ltd. [1966] Ch. 462; [1966] 2 W.L.R. 761; [1967] Ch. 889; [1967] 2 W.L.R. 369, C.A.
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  In re Huntington Poultry Ltd. [1969] 1 W.L.R. 204
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s. 29 (3): Reg. *v.* Rear [1965] 2 Q.B. 290; [1965] 2 W.L.R. 943, C.C.A.
s. 29 (3) (*d*): Reg. *v.* Welsh [1968] 1 Q.B. 702; [1968] 2 W.L.R. 31, C.A.
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s. 25 (1) (*d*) (as amended): Purser *v.* Bailey [1967] 1 Q.B. 526; [1967] 2 W.L.R. 146, D.C.; [1967] 2 Q.B. 500; [1967] 2 W.L.R. 1500, C.A.
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ss. 1 (6), 2 (2) (*e*): Dugon *v.* Williamson [1964] Ch. 59; [1963] 3 W.L.R. 477, C.A.
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s. 1 (7) (*b*): Baker *v.* Bowketts Cakes Ltd. [1966] 1 W.L.R. 861, C.A.
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s. 12: Reg. *v.* Legal Aid Committee No. 9 (North Eastern) Legal Aid Area, *Ex parte* Foxhill Flats (Leeds) Ltd. [1970] 2 Q.B. 152; [1970] 2 W.L.R. 923, D.C.
s. 12 (2) (*b*) (ii): Wyld *v.* Silver [1962] 1 W.L.R. 863
s. 14 (1) (*a*): Neill *v.* Glacier Metal Co. Ltd. [1965] 1 Q.B. 16; [1964] 2 W.L.R. 55
Sch. 3, para. 2 (3): McCullie *v.* Butler [1962] 2 Q.B. 309; [1961] 2 W.L.R. 1011

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ss. 1 (1), 6 (1), 14 (7): Post Office *v.* Estuary Radio Ltd. [1967] 1 W.L.R. 847; [1968] 2 Q.B. 740; [1967] 1 W.L.R. 1396, C.A.

Civil Aviation Act (12 & 13 Geo. 6, c. 67)—
s. 62 (1): Reg. *v.* Naylor [1962] 2 Q.B. 527; [1961] 3 W.L.R. 898

1949 **Representation of the People Act** (12 & 13 Geo. 6, c. 68)—
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s. 126: *In re* Melton Mowbray (Egerton Ward) Urban District Council Election [1969] 1 Q.B. 192; [1968] 3 W.L.R. 886, D.C.
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ss. 6, 7: Cullimore *v.* Lyme Regis Corpn. [1962] 1 Q.B. 718; [1961] 3 W.L.R. 1340

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s. 75 (2) (*a*): Reg. *v.* Bham [1966] 1 Q.B. 159; [1965] 3 W.L.R. 696, C.C.A.

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s. 6: Reg. *v.* Patents Appeal Tribunal, *Ex parte* Swift & Co. [1962] 2 Q.B. 647; [1962] 2 W.L.R. 897, D.C.
s. 9 (1): Reg. *v.* Patents Appeal Tribunal, *Ex parte* J. R. Geigy S.A. [1963] 2 Q.B. 728; [1963] 2 W.L.R. 1007, C.A.
ss. 14 (1) (*b*) (ii), 101: Reg. *v.* Patents Appeal Tribunal, *Ex parte* Løvens Kemiske Fabriks Handelsaktieselskab [1968] 1 W.L.R. 1727, D.C.
s. 24 (1) (2) (8) (9): *In re* Al-Fin Corpn.'s Patent [1970] Ch. 160; [1969] 2 W.L.R. 1405
s. 30: Practice Direction (Patents: Amendment of Specification) [1965] 1 W.L.R. 1110
s. 31 (1): Amp Inc. *v.* Hellermann Ltd. [1962] 1 W.L.R. 241, H.L.(E.)
s. 32 (1) (*h*) (*i*) (*j*): American Cyanamid Co. *v.* Upjohn Co. [1970] 1 W.L.R. 1507, H.L.(E.)
ss. 32, 61: Practice Direction (House of Lords: Patent Appeals) [1970] 1 W.L.R. 1529, H.L.
s. 41 (1): F. Hoffmann-La Roche & Co. A.G. *v.* Inter-Continental Pharmaceuticals Ltd. [1965] Ch. 795; [1965] 2 W.L.R. 1045, C.A.
s. 46: Pfizer Corpn. *v.* Ministry of Health [1964] Ch. 614; [1963] 2 W.L.R. 286; [1963] 3 W.L.R. 999, C.A.; [1965] A.C. 512; [1965] 2 W.L.R. 387, H.L.(E.)
s. 48 (1): *In re* Nossen's Letter Patent [1969] 1 W.L.R. 638
s. 65: H.V.E. (Electric) Ltd. *v.* Cufflin Holdings Ltd. [1964] 1 W.L.R. 378, C.A.

Registered Designs Act (12, 13 & 14 Geo. 6, c. 88)—
s. 7: Dorling *v.* Honnor Marine Ltd. [1964] Ch. 560; [1963] 3 W.L.R. 397; [1965] Ch. 1; [1964] 2 W.L.R. 195, C.A.
s. 9 (1): Khawam *v.* K. Chellaram & Sons (Nig.) Ltd. [1964] 1 W.L.R. 711, P.C.

Vehicles (Excise) Act (12, 13 & 14 Geo. 6, c. 89)—
ss. 4 (2) (*f*), 5 (1) (2), 27: T. K. Worgan & Son Ltd. *v.* Gloucestershire County Council [1961] 2 Q.B. 123; [1961] 2 W.L.R. 729, C.A.
s. 15: Newberry *v.* Simmonds [1961] 2 Q.B. 345; [1961] 2 W.L.R. 675, D.C.
Smart *v.* Allan [1963] 1 Q.B. 291; [1962] 3 W.L.R. 1325, D.C.
s. 27 (1): Taylor *v.* Mead [1961] 1 W.L.R. 435, D.C.
J. M. Knowles Ltd. *v.* Rand [1962] 1 W.L.R. 893, D.C.

Law Reform (Miscellaneous Provisions) Act (12, 13 & 14 Geo. 6, c. 100)—
s. 1: Indyka *v.* Indyka [1967] P. 233; [1966] 2 W.L.R. 892; [1967] P. 233; [1966] 3 W.L.R. 603, C.A.; [1969] 1 A.C. 33; [1967] 3 W.L.R. 510, H.L.(E.)
s. 9: *In re* A.-H. (Infants) [1963] Ch. 232; [1962] 3 W.L.R. 1430
In re M. (An Infant) [1961] Ch. 81, 328; [1961] 2 W.L.R. 350, C.A.
In re N. (Infants) [1967] Ch. 512; [1967] 2 W.L.R. 691

Pastoral Reorganisation Measure (12 & 13 Geo. 6, No. 3)—
s. 1 (1) (*a*) (ii) (iv): St. Philip with St. Luke Parochial Church Council *v.* Church Comrs. [1963] A.C. 448; [1963] 2 W.L.R. 617, P.C.

1950 **Foreign Compensation Act** (14 Geo. 6, c. 12)—
s. 4 (4): Anisminic Ltd. *v.* Foreign Compensation Commission [1968] 2 Q.B. 862; [1967] 3 W.L.R. 382, C.A.; [1969] 2 A.C. 147; [1969] 2 W.L.R. 163, H.L.(E.)

International Organisations (Immunities and Privileges) Act (14 Geo. 6, c. 14)—
ss. 1, 2: Zoernsch *v.* Waldock [1964] 1 W.L.R. 675, C.A.

Finance Act (14 Geo. 6, c. 15)—
s. 17 (1): Customs and Excise Comrs. *v.* Dodd [1961] 1 W.L.R. 144

Matrimonial Causes Act (14 Geo. 6, c. 25)—
s. 1: Robinson *v.* Robinson (By his Guardian) [1965] P. 192; [1964] 3 W.L.R. 935
s. 1 (1) (*d*): Chapman *v.* Chapman (By his Guardian) [1961] 1 W.L.R. 1481
s. 2 (1): Stroud *v.* Stroud (No. 2) [1963] 1 W.L.R. 1083

1950 Matrimonial Causes Act—*continued.*

- s. 2 (1) (2): Brewer *v.* Brewer [1964] 1 W.L.R. 403, C.A.
- s. 4 (as amended): Rowley *v.* Rowley and Austin and French [1965] P. 178; [1964] 3 W.L.R. 946
- s. 4: Williams *v.* Williams and Harris [1966] P. 97; [1966] 2 W.L.R. 1248, C.A.
- s. 4 (1): Noble *v.* Noble and Ellis [1963] 1 W.L.R. 1395
- s. 4 (2): Anstey *v.* Anstey [1962] 1 W.L.R. 358, C.A.
    - Chalmers (orse. Gunning) *v.* Chalmers [1964] P. 61; [1963] 3 W.L.R. 634, C.A.
    - Rumbelow *v.* Rumbelow and Hadder [1965] P. 207; [1965] 3 W.L.R. 242, C.A.
    - Blyth *v.* Blyth and Pugh [1965] P. 411; [1965] 3 W.L.R. 365, C.A.; [1966] A.C. 643; [1966] 2 W.L.R. 634, H.L.(E.)
- s. 4 (2) (as amended): Head *v.* Cox [1964] P. 228; [1964] 2 W.L.R. 358
    - Mulhouse *v.* Mulhouse [1966] P. 39; [1964] 2 W.L.R. 808
- ss. 4, 10 (2): Middlebrook *v.* Middlebrook [1965] P. 262; [1965] 2 W.L.R. 360
- ss. 5, 23: Holzer *v.* Holzer and Morley [1964] 1 W.L.R. 1478
- s. 7 (2): Ellis *v.* Ellis and Wilby [1962] 1 W.L.R. 450, C.A.
- s. 8 (1) (*b*): Stocker *v.* Stocker [1966] 1 W.L.R. 190.
- s. 8 (1) (*d*): W. *v.* W. (1963) [1964] P. 67; [1963] 3 W.L.R. 774, C.A.
- s. 10: Lee *v.* Lau [1967] P. 14; [1964] 3 W.L.R. 750
- s. 12 (3): Dove *v.* Dove [1963] P. 321; [1963] 2 W.L.R. 774, C.A.
- s. 14 (3): Wilkinson *v.* Wilkinson [1962] P. 37; [1961] 3 W.L.R. 297; [1963] P. 1; [1963] 3 W.L.R. 1, C.A.
- s. 17 (1): Sheward *v.* Attorney General [1964] 1 W.L.R. 724
- s. 19: Aggett *v.* Aggett [1962] 1 W.L.R. 183, C.A.
    - Eaketts *v.* Eaketts (Practice Note) [1961] 1 W.L.R. 66
    - Kirke *v.* Kirke [1961] 1 W.L.R. 1411
- s. 19 (as amended): *In re* S., decd. [1965] P. 165; [1965] 2 W.L.R. 986
- s. 19 (3): M. *v.* M. [1962] 1 W.L.R. 845
- ss. 19 (3), 29: Hodge *v.* Hodge [1963] P. 339; [1963] 2 W.L.R. 297, C.A.
- s. 23: Hodges *v.* Hodges [1963] P. 201; [1963] 2 W.L.R. 192
    - Kaye *v.* Kaye [1965] P. 100; [1964] 2 W.L.R. 672, D.C.
    - P. (J. R.) *v.* P. (G. L.) [1966] 1 W.L.R. 778
- s. 23 (1): Williams *v.* Williams [1965] P. 125; [1964] 3 W.L.R. 832, C.A.
- ss. 23, 28: Spence *v.* Spence [1965] P. 140; [1964] 3 W.L.R. 1115
- s. 24 (1): Moy *v.* Moy and White [1961] 1 W.L.R. 552, C.A.
    - Hunter *v.* Hunter and Waddington [1962] P. 1; [1961] 2 W.L.R. 691
- s. 25: Purnell *v.* Purnell [1961] P. 141; [1961] 2 W.L.R. 185
    - Young *v.* Young (No. 1) [1961] 1 W.L.R. 955; [1961] 3 W.L.R. 1109, C.A.
    - Cook *v.* Cook [1962] P. 181; [1962] 2 W.L.R. 963; [1962] P. 235; [1962] 3 W.L.R. 441, C.A.
- s. 26: Bell *v.* Bell and Hamdi (L. Intervening) [1961] 1 W.L.R. 1467
    - Robinson *v.* Robinson [1965] P. 39; [1964] 2 W.L.R. 138
- s. 26 (1): Bancroft *v.* Bancroft [1963] P. 355; [1963] 2 W.L.R. 309, C.A.
    - Cammell *v.* Cammell [1965] P. 467; [1964] 3 W.L.R. 791
    - Freeman-Thomas *v.* Freeman-Thomas [1963] P. 157; [1963] 2 W.L.R. 107
    - Hall *v.* Hall [1963] P. 379; [1963] 2 W.L.R. 1054, C.A.
    - Knowles *v.* Knowles [1962] P. 161; [1962] 2 W.L.R. 742
    - Smith *v.* Smith and Brown [1962] 1 W.L.R. 1218, C.A.
- s. 28: MacDonald *v.* MacDonald [1964] P. 1; [1963] 3 W.L.R. 350, C.A.
    - Young *v.* Young (No. 2) [1962] P. 218; [1961] 3 W.L.R. 1041
    - Foster *v.* Foster [1964] 1 W.L.R. 1155, C.A.
- s. 28 (3): Medlicott *v.* Medlicott [1962] 1 W.L.R. 136, C.A.
- s. 30 (3): Hodgkiss *v.* Hodgkiss (Practice Note) [1966] 1 W.L.R. 531, C.A.
- s. 31: Windeatt *v.* Windeatt [1962] 1 W.L.R. 527, C.A.
- s. 32 (3): Dobbs *v.* Dobbs and Savage [1962] 1 W.L.R. 914, C.A.
    - Boothroyd *v.* Boothroyd and Slater [1964] P. 92; [1964] 2 W.L.R. 192
- s. 109: Woolley *v.* Woolley (By her Guardian) [1968] P. 29; [1966] 3 W.L.R. 1117

Adoption Act (14 Geo. 6, c. 26)—

- s. 13 (2): *In re* Brinkley's Will Trusts [1968] Ch. 407; [1968] 2 W.L.R. 217

Arbitration Act (14 Geo. 6, c. 27)—

- s. 1: City Centre Properties (I.T.C. Pensions) Ltd. *v.* Matthew Hall & Co. Ltd. [1969] 1 W.L.R. 772, C.A.
- s. 4: Baron *v.* Sunderland Corpn. [1966] 2 Q.B. 56; [1966] 2 W.L.R. 363, C.A.
- s. 4 (1): Taunton Collins *v.* Cromie [1964] 1 W.L.R. 633, C.A.
- s. 12 (6) (*a*): Hudson Strumpffabrik G.m.b.H. *v.* Bentley Engineering Co. Ltd. [1962] 2 Q.B. 587; [1962] 3 W.L.R. 758
    - Bilcon Ltd. *v.* Fegmay Investments Ltd. [1966] 2 Q.B. 221; [1966] 3 W.L.R. 118
- s. 18 (1): Government of Ceylon *v.* Chandris [1963] 2 Q.B. 327; [1963] 2 W.L.R. 1097
- s. 20: The Myron [1970] 1 Q.B. 527; [1969] 3 W.L.R. 292
    - London & Overseas Freighters Ltd. *v.* Timber Shipping Co. S.A. [1970] 3 W.L.R. 784, C.A.
- s. 21: Tersons Ltd. *v.* Stevenage Development Corpn. [1965] 1 Q.B. 37; [1964] 2 W.L.R. 225, C.A.

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s. 23 (2): Giacomo Costa Fu Andrea *v.* British Italian Trading Co. Ltd. [1963] 1 Q.B. 201; [1962] 3 W.L.R. 512, C.A.
s. 27: Liberian Shipping Corpn. "Pegasus" *v.* A. King & Sons Ltd. [1967] 2 Q.B. 86; [1967] 2 W.L.R. 856, C.A.

Shops Act (14 Geo. 6, c. 28)—
ss. 1 (1) (4) (6), 13 (1): Redbridge London Borough Council *v.* Wests (Ilford) Ltd. [1968] 1 Q.B. 789; [1968] 2 W.L.R. 145, D.C.
ss. 8 (1) (3), 13 (3): Fine Fare Ltd. *v.* Aberdare Urban District Council [1965] 2 Q.B. 39; [1965] 2 W.L.R. 535, D.C.
s. 47, Sch. 5 (1) (*h*): Monaco Garage Ltd. *v.* Watford Borough Council [1967] 1 W.L.R. 1069, D.C.
ss. 47, 74: Ilford Corpn. *v.* Betterclean (Seven Kings) Ltd. [1965] 2 Q.B. 222; [1965] 2 W.L.R. 727, D.C.

Allotments Act (14 Geo. 6, c. 31)—
s. 1: Wombwell Urban District Council *v.* Burke [1966] 2 Q.B. 149; [1966] 2 W.L.R. 669

Public Utilities Street Works Act (14 Geo. 6, c. 39)—
ss. 3–14, 8 (1): Keating *v.* Elvan Reinforced Concrete Co. Ltd. [1968] 1 W.L.R. 722, C.A.
s. 8: Haley *v.* London Electricity Board [1964] 2 Q.B. 121; [1964] 2 W.L.R. 444, C.A.

Manchester Corporation Act (14 Geo. 6, c. lvii)—
s. 61: Manchester Corpn. *v.* Penson [1970] 1 W.L.R. 204, D.C.

1951 **Salmon and Freshwater Fisheries (Protection) (Scotland) Act** (14 & 15 Geo. 6, c. 26)—
ss. 2, 7 (1) (2): Ryan *v.* Ross [1963] 2 Q.B. 151; [1963] 2 W.L.R. 796, D.C.
ss. 7 (1) (2), 10 (1), 19 (1) (2): Gibson *v.* Ryan [1968] 1 Q.B. 250; [1967] 3 W.L.R. 997, D.C.

Courts-Martial (Appeals) Act (14 & 15 Geo. 6, c. 46)—
s. 8 (1) (*d*): Reg. *v.* Kelly [1965] 1 W.L.R. 730, Ct.-M.A.C.

1952 **Income Tax Act** (15 & 16 Geo. 6 & 1 Eliz. 2, c. 10)—
ss. 2 (2), 122, 123 (1), 169 (1), 170 (1), 200 (1) (2), 524 (1), Sch. 24: Inland Revenue Comrs. *v.* Frere [1964] Ch. 359; [1963] 3 W.L.R. 854
ss. 2 (2), 200 (1), 221, 524 (1) (2), Sch. 6 (1) (2), 24: Inland Revenue Comrs. *v.* Frere [1964] Ch. 359; [1964] 2 W.L.R. 405, C.A.; [1965] A.C. 402; [1964] 3 W.L.R. 1193, H.L.(E.)
ss. 6, 36, 148, 170 (1) (2), 177 (1) (2): Grosvenor Place Estates Ltd. *v.* Roberts [1961] Ch. 148; [1961] 2 W.L.R. 83, C.A.
ss. 41, 184: Cenlon Finance Co. Ltd. *v.* Ellwood [1962] A.C. 782; [1962] 2 W.L.R. 871, H.L.(E.)
ss. 41 (1), 50 (2), 184, 510: Cenlon Finance Co. Ltd. *v.* Ellwood [1961] Ch. 50; [1961] 3 W.L.R. 242, C.A.; [1962] A.C. 782; [1962] 2 W.L.R. 871, H.L.(E.)
ss. 41, 169, Sch. D, Case III: Hume *v* Asquith [1969] 2 Ch. 58; [1969] 2 W.L.R. 225
s. 47 (1): Clixby *v.* Pountney [1968] Ch. 719; [1968] 2 W.L.R. 865
s. 47 (1) (2): Harrison *v.* Willis Bros. [1966] Ch. 619; [1965] 2 W.L.R. 617
ss. 47 (1) (2), 144 (1): Harrison *v.* Willis Bros. [1966] Ch. 619; [1966] 2 W.L.R. 183, C.A.
s. 52: *In re* Vandervell's Trusts [1970] 3 W.L.R. 452, H.L.(E.)
ss. 52 (5), 142 (1): Cannon Industries Ltd. *v.* Edwards [1966] 1 W.L.R. 580
s. 59: Soul *v.* Inland Revenue Comrs. [1963] 1 W.L.R. 112, C.A.
ss. 64, 405 (1) (2): Muir *v.* Inland Revenue Comrs. [1966] 1 W.L.R. 251; [1966] 1 W.L.R. 1269, C.A.
s. 64 (6): Slaney *v.* Kean [1970] Ch. 243; [1969] 3 W.L.R. 240
Rose *v.* Humbles [1970] 1 W.L.R. 1061
ss. 82, 84, 108: De Voil *v.* Welford Gravels Ltd. [1963] Ch. 95; [1962] 3 W.L.R. 489, C.A.; [1965] A.C. 34; [1963] 3 W.L.R. 292, H.L.(E.)
ss. 82, 180: Rogers *v.* Longsdon [1967] Ch. 93; [1966] 2 W.L.R. 861
s. 83: Collins *v.* Fraser [1969] 1 W.L.R. 823
s. 101: Pyne *v.* Stallard-Penoyre [1965] Ch. 705; [1965] 2 W.L.R. 120
s. 122: Wetton, Page & Co. *v.* Attwooll [1963] 1 W.L.R. 114
ss. 122, 137 (*a*), 156: Mitchell and Edon *v.* Ross [1962] A.C. 813; [1961] 3 W.L.R. 411, H.L.(E.)
ss. 122, 169: Butler *v.* Butler [1961] P. 33; [1961] 2 W.L.R. 397, C.A.
ss. 122 (1) (*a*), 123 (1), Sch. D, Cases IV, V, 132 (1), 347 (1) (2), Sch. 16: Duckering *v.* Gollan [1964] 1 W.L.R. 414; [1964] 1 W.L.R. 1178, C.A.; [1965] 1 W.L.R. 680, H.L.(E.)
ss. 122 (1) (*a*) (i) (ii), 137 (*a*): British Broadcasting Corpn. *v.* Johns [1965] Ch. 32; [1964] 2 W.L.R. 1071, C.A.
ss. 122, 123: Lawson *v.* Rolfe [1970] Ch. 612; [1970] 2 W.L.R. 602
ss. 122, 123 (1), 124 (1), 526 (1): Lowe *v.* J. W. Ashmore Ltd. [1970] 3 W.L.R. 998
ss. 122, 123, Sch. D, Case 5, 133, 134: Inchyra (Baron) *v.* Jennings [1966] Ch. 37; [1965] 3 W.L.R. 166
s. 123: Norman *v.* Evans [1965] 1 W.L.R. 348
Scott *v.* Ricketts [1967] 1 W.L.R. 90; [1967] 1 W.L.R. 828, C.A.

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s. 123 (1): Westminster Bank Executor and Trustee Co. (Channel Islands) Ltd. *v.* National Bank of Greece S.A. [1970] 1 Q.B. 256; [1969] 3 W.L.R. 468, C.A.
ss. 123 (1), Case III, 169 (1), 447 (1) (*b*): Campbell *v.* Inland Revenue Comrs. [1966] Ch. 439; [1966] 2 W.L.R. 1448; [1967] Ch. 651; [1967] 2 W.L.R. 1445, C.A.; [1970] A.C. 77; [1968] 3 W.L.R. 1025, H.L.(E.)
ss. 123 (1) (*a*), 148, 525 (1) (*c*): Brown *v.* Inland Revenue Comrs. [1965] A.C. 244; [1964] 3 W.L.R. 511, H.L.(Sc.)
ss. 123, 170, 506 (2): Ferguson *v.* Inland Revenue Comrs. [1970] A.C. 442; [1969] 2 W.L.R. 1116, H.L.(Sc.)
s. 123, Sch. D, Case I: Inland Revenue Comrs. *v.* Rolls-Royce Ltd. [1961] 1 W.L.R. 897, C.A.; [1962] 1 W.L.R. 425, H.L.(E.)
s. 123, Sch. D, Case V: Rae *v.* Lazard Investment Co. Ltd. [1963] 1 W.L.R. 555, H.L.(E.)
ss. 124 (1), 137 (*a*) (*b*), 526: Inland Revenue Comrs. *v.* Korner [1969] 1 W.L.R. 554, H.L.(Sc.)
ss. 126, 137 (*a*) (*b*): Murgatroyd *v.* Evans-Jackson [1967] 1 W.L.R. 423
s. 127: Inland Revenue Comrs. *v.* Helical Bar Ltd. [1970] 1 W.L.R. 294
s. 127, Sch. D, Cases I, II: Shiner *v.* Lindblom [1961] 1 W.L.R. 248
ss. 127, 128: Stephenson *v.* Payne, Stone, Fraser & Co. [1968] 1 W.L.R. 858
ss. 127, 128, 155, 342: Westward Television Ltd. *v.* Hart [1969] 1 Ch. 201; [1968] 1 W.L.R. 504; [1969] 1 Ch. 201; [1968] 3 W.L.R. 480, C.A.
ss. 128, 130: Northern Rock Building Society *v.* Davies [1969] 1 W.L.R. 1742
s. 136, Sch. A: Provan *v.* Scott [1965] 1 W.L.R. 1193
s. 137 (*a*) (*b*): Prince *v.* Mapp [1970] 1 W.L.R. 260
s. 137 (*a*) (*f*): Littlewoods Mail Order Stores Ltd. *v.* McGregor [1968] 1 W.L.R. 1820
ss. 137, 177: Inland Revenue Comrs. *v.* Land Securities Investment Trust Ltd. [1968] 1 W.L.R. 423; [1968] 1 W.L.R. 1446, C.A.; [1969] 1 W.L.R. 604, H.L.(E.)
s. 137, Sch. D, Case II: Jennings *v.* Barfield & Barfield [1962] 1 W.L.R. 997
s. 137 (*a*): Cooper *v.* Rhymney Breweries Ltd. [1965] 1 W.L.R. 1378
s. 137 (*a*) (*b*): Bowden *v.* Russell & Russell [1965] 1 W.L.R. 711
s. 137 (*a*) (*f*): Littlewoods Mail Order Stores Ltd. *v.* Inland Revenue Comrs. [1969] 1 W.L.R. 1241, C.A.
s. 137 (*f*): Strick *v.* Regent Oil Co. Ltd. [1964] 1 W.L.R. 309; [1964] 1 W.L.R. 1166, C.A.; [1966] A.C. 295; [1965] 3 W.L.R. 636, H.L.(E.)
s. 140: Wickwar *v.* Berry [1963] 1 W.L.R. 1026, C.A.
s. 152: Bispham *v.* Eardiston Farming Co. (1919) Ltd. [1962] 1 W.L.R. 616
s. 156 (1) (as amended): Heaton *v.* Bell [1968] 1 W.L.R. 263; [1968] 1 W.L.R. 1385, C.A.; [1970] A.C. 728; [1969] 2 W.L.R. 735, H.L.(E.)
s. 156, Sch. E: Jarrold *v.* Bousted [1964] 1 W.L.R. 1357, C.A.
    Laidler *v.* Perry [1965] Ch. 192; [1964] 3 W.L.R. 709, C.A.; [1966] A.C. 16; [1965] 2 W.L.R. 1172, H.L.(E.)
ss. 160, 161 (1): Rendell *v.* Went [1963] 1 W.L.R. 1085, C.A.; [1964] 1 W.L.R. 650, H.L.(E.)
s. 161 (1), Sch. 9, r. 7: McKie *v.* Warner [1961] 1 W.L.R. 1230
s. 161 (1) (3), Sch. E: Butter *v.* Bennett [1962] Ch. 293; [1961] 3 W.L.R. 1421; [1963] Ch. 185; [1962] 3 W.L.R. 574, C.A.
ss. 161 (1), 162 (1): Luke *v.* Inland Revenue Comrs. [1963] A.C. 557; [1963] 2 W.L.R. 559, H.L.(Sc.)
ss. 161 (1) (6), 162 (1): Westcott *v.* Bryan [1969] 2 Ch. 324; [1969] 2 W.L.R. 353; [1969] 3 W.L.R. 255, C.A.
s. 169: Corinthian Securities Ltd. *v.* Cato [1970] 1 Q.B. 377; [1969] 3 W.L.R. 693, C.A.
ss. 169, 170: B. W. Nobes & Co. Ltd. *v.* Inland Revenue Comrs. [1964] 1 W.L.R. 761; [1965] 1 W.L.R. 229, C.A.; [1966] 1 W.L.R. 111, H.L.(E.)
ss. 169 (1), 170 (1) (2), 510 (1): Chancery Lane Safe Deposit and Offices Co. Ltd. *v.* Inland Revenue Comrs. [1965] 1 W.L.R. 239, C.A.; [1966] A.C. 85; [1966] 2 W.L.R. 251, H.L.(E.)
ss. 184 (1) (2), 185 (1), 186 (1), 199, 341: Johns *v.* Wirsal Securities Ltd. [1966] 1 W.L.R. 446
s. 212: Mapp *v.* Oram [1969] 1 Ch. 293; [1968] 2 W.L.R. 267; [1969] 1 Ch. 293; [1968] 3 W.L.R. 442, C.A.; [1970] A.C. 362; [1969] 3 W.L.R. 557, H.L.(E.)
s. 214: Barentz *v.* Whiting [1964] 1 W.L.R. 1259; [1965] 1 W.L.R. 433, C.A.
ss. 245, 246, 255, 256: Inland Revenue Comrs. *v.* R. Woolf & Co. (Rubber) Ltd. [1961] 1 W.L.R. 177; [1962] Ch. 35; [1961] 3 W.L.R. 29, C.A.
ss. 245, 248, 254: Princes Investments Ltd. *v.* Inland Revenue Comrs. [1967] Ch. 953; [1966] 1 W.L.R. 1186; [1967] Ch. 953; [1967] 2 W.L.R. 1433, C.A.
ss. 245, 255, 256: Inland Revenue Comrs. *v.* R. Woolf (Rubber) Ltd. [1962] Ch. 35; [1961] 3 W.L.R. 29, C.A.
ss. 245, 256: Inland Revenue Comrs. *v.* Park Investments Ltd. [1966] 1 W.L.R. 540; [1966] Ch. 701; [1966] 3 W.L.R. 65, C.A.
    Morrison Holdings Ltd. *v.* Inland Revenue Comrs. [1966] 1 W.L.R. 553
ss. 245, 262: Noddy Subsidiary Rights Co. Ltd. *v.* Inland Revenue Comrs. [1967] 1 W.L.R. 1
ss. 245, 408, 411 (4) (*a*) (*b*): Inland Revenue Comrs. *v.* Bates [1965] 1 W.L.R. 1113, C.A.; [1968] A.C. 483; [1967] 2 W.L.R. 60, H.L.(E.)

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ss. 257 (2), 525 (1): F. S. Securities Ltd. *v.* Inland Revenue Comrs. [1963] 1 W.L.R. 173; [1963] 1 W.L.R. 1223, C.A.; [1965] A.C. 631; [1964] 1 W.L.R. 742, H.L.(E.)
s. 262: Leconfield Estate Co. *v.* Inland Revenue Comrs. [1970] 1 W.L.R. 1133
ss. 262 (2) (*a*), 415 (1): Inland Revenue Comrs. *v.* Coathew Investments Ltd. [1965] 1 W.L.R. 583, Ungoed-Thomas J. and C.A.; [1966] 1 W.L.R. 716, H.L.(E.)
s. 271 (1) (*c*): Bourne *v.* Norwich Crematorium Ltd. [1967] 1 W.L.R. 691
s. 271 (1) (*d*) (iii) (2): Inland Revenue Comrs. *v.* Saxone, Lilley & Skinner (Holdings) Ltd. [1967] 1 W.L.R. 501, H.L.(Sc.)
ss. 279, 280: Jarrold *v.* John Good & Sons Ltd. [1962] 1 W.L.R. 1101; [1963] 1 W.L.R. 214, C.A.
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s. 314 (4): Sargaison *v.* Roberts [1969] 1 W.L.R. 951
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  Finsbury Securities Ltd. *v.* Inland Revenue Comrs. [1965] 1 W.L.R. 358; [1965] 1 W.L.R. 1206, C.A.; [1966] 1 W.L.R. 1402, H.L.(E.)
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s. 4 (1): Comrs. of Customs and Excise *v.* Cure & Deeley Ltd. [1962] 1 Q.B. 340; [1961] 3 W.L.R. 798
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ss. 56 (2), 79 (3), 290 (2): Garrett *v.* Arthur Churchill (Glass) Ltd. [1970] 1 Q.B. 92; [1969] 3 W.L.R. 6, D.C.
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Costs in Criminal Cases Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 48)—
s. 1: Practice Direction (Crime: Costs) [1968] 1 W.L.R. 389, C.A.
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Magistrates' Courts Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 55)—
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s. 19 (9): Bell *v.* Ingham [1969] 1 Q.B. 563; [1968] 3 W.L.R. 401, D.C.
s. 20: Reg. *v.* Chelsea Justices, *Ex parte* Director of Public Prosecutions [1963] 1 W.L.R. 1138
s. 25 (as amended): Reg. *v.* Roe [1967] 1 W.L.R. 634, C.A.
s. 25 (1) (as amended): Reg. *v.* Woolwich Justices, *Ex parte* Toohey [1967] 2 A.C. 1; [1966] 2 W.L.R. 402, D.C.; [1967] 2 A.C. 1; [1966] 2 W.L.R. 1442, H.L.(E.)
ss. 25 (1) (6), 108: Reg. *v.* Furlong [1962] 2 Q.B. 161; [1962] 2 W.L.R. 796, C.C.A.
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s. 100: Hunter *v.* Coombs [1962] 1 W.L.R. 573, D.C.
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s. 12: Lewis *v.* Daily Telegraph Ltd. [1964] A.C. 234; [1963] 2 W.L.R. 1063, H.L.(E.)

1953 Prevention of Crime Act (1 & 2 Eliz. 2, c. 14)—
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s. 1 (1) (4): Reg. *v.* Edmonds [1963] 2 Q.B. 142; [1963] 2 W.L.R. 715, C.C.A.

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Births and Deaths Registration Act (1 & 2 Eliz. 2, c. 20)—
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Finance Act (1 & 2 Eliz. 2, c. 34)—
s. 15: Griffiths *v.* J. P. Harrison (Watford) Ltd. [1963] A.C. 1; [1962] 2 W.L.R. 909, H.L.(E.)
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s. 20 (1) (9) (10): Davies *v.* Davies Jenkins & Co. Ltd. [1966] 1 W.L.R. 446; [1966] 1 W.L.R. 1094, C.A.; [1968] A.C. 1097; [1967] 2 W.L.R. 1139, H.L.(E.)

Post Office Act (1 & 2 Eliz. 2, c. 36)—
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s. 104 (1): Reg. *v.* Liverpool Licensing Justices, *Ex parte* Tynan [1961] 1 W.L.R. 837
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s. 4: Towers & Co. Ltd. *v.* Gray [1961] 2 Q.B. 351; [1961] 2 W.L.R. 553, D.C.

1954 **Protection of Birds Act** (2 & 3 Eliz. 2, c. 30)—
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s. 2 (1): Marren *v.* Dawson Bentley & Co. Ltd. [1961] 2 Q.B. 135; [1961] 2 W.L.R. 679
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Agriculture (Miscellaneous Provisions) Act (2 & 3 Eliz. 2, c. 39)—
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Finance Act (2 & 3 Eliz. 2, c. 44)—
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s. 17, Sch. 3, para. 2: Aviation and Shipping Co. Ltd. *v.* Murray [1961] 1 W.L.R. 129; [1961] 1 W.L.R. 974, C.A.
s. 18: Davies *v.* Davies Jenkins & Co. Ltd. [1966] 1 W.L.R. 446; [1968] A.C. 1097; [1967] 2 W.L.R. 1139, H.L.(E.)
s. 33 (1): Dunn *v.* Inland Revenue Comrs. [1961] Ch. 453; [1961] 2 W.L.R. 769
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Housing Repairs and Rents Act (2 & 3 Eliz. 2, c. 53)—
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Landlord and Tenant Act (2 & 3 Eliz. 2, c. 56)—
I. & H. Caplan Ltd. *v.* Caplan [1963] 1 W.L.R. 1247
ss. 2 (1), 3 (3), 22 (3): Crown Lodge (Surbiton) Investments Ltd. *v.* Nalecz [1967] 1 W.L.R. 647, C.A.
ss. 2 (1), 22 (3): Herbert *v.* Byrne [1964] 1 W.L.R. 519, C.A.
s. 3 (2) (*a*): Byrne *v.* Herbert [1966] 2 Q.B. 121; [1966] 2 W.L.R. 19
s. 23: Haines *v.* Herbert [1963] 1 W.L.R. 1401, C.A.
s. 23 (1): Bracey *v.* Read [1963] Ch. 88; [1962] 3 W.L.R. 1194
ss. 23 (1), 24 (1): Jacobs *v.* Chaudhuri [1968] 2 Q.B. 470; [1968] 2 W.L.R. 1098, C.A.
s. 23 (1) (2): Abernethie *v.* A. M. & J. Kleiman Ltd. [1970] 1 Q.B. 10; [1969] 2 W.L.R. 1364, C.A.
ss. 23 (1) (3), 24 (1), 29 (1), 32 (1): Poster *v.* Slough Estates Ltd. [1969] 1 Ch. 495; [1968] 1 W.L.R. 1515
ss. 23 (4), 69: D'Silva *v.* Lister House Development Ltd. [1970] 2 W.L.R. 563
ss. 23, 25, 69: Manfield & Sons Ltd. *v.* Botchin [1970] 2 Q.B. 612; [1970] 3 W.L.R. 120

1954 Landlord and Tenant Act—*continued.*

ss. 23, 26 (3), 29, 30 (1) (*f*), 32: Fernandez *v.* Walding [1968] 2 Q.B. 606; [1968] 2 W.L.R. 583, C.A.
ss. 24 (1), 25 (1) (2) (3) (4): Commercial Properties Ltd. *v.* Wood [1968] 1 Q.B. 15; [1967] 3 W.L.R. 185, C.A.
ss. 24, 25, 29, 66: Price *v.* West London Investment Building Society Ltd. [1964] 1 W.L.R. 616, C.A.
ss. 24A, 34 (as amended): Regis Property Co. Ltd. *v.* Lewis & Peat Ltd. [1970] Ch. 695; [1970] 3 W.L.R. 361
s. 25: Sunrose Ltd. *v.* Gould [1962] 1 W.L.R. 20, C.A.
  Scholl Mfg. Co. Ltd. *v.* Clifton (Slim-Line) Ltd. [1966] Ch. 298; [1966] 2 W.L.R. 902; [1967] Ch. 41; [1966] 3 W.L.R. 575, C.A.
ss. 25, 44 (1), 69: Rene Claro (Haute Coiffure) Ltd. *v.* Hallé Concerts Society [1969] 1 W.L.R. 909, C.A.
s. 25 (1) (6): Housleys Ltd. *v.* Bloomer-Holt Ltd. [1966] 1 W.L.R. 1244, C.A.
ss. 25 (1) (6), 30 (1) (*g*), 41 (2): Sevenarts Ltd. *v.* Busvine [1968] 1 W.L.R. 1929, C.A.
ss. 25 (4), 44 (1), 69: Westerbury Property and Investment Co. Ltd. *v.* Carpenter [1961] 1 W.L.R. 272
s. 25 (6): Barclays Bank Ltd. *v.* Ascott [1961] 1 W.L.R. 717
ss. 26 (6), 30 (1) (*f*): Morris Marks *v.* British Waterways Board [1963] 1 W.L.R. 1008, C.A.
ss. 28, 29 (1), 46: Stock *v.* Wanstead and Woodford Borough Council [1962] 2 Q.B. 479; [1961] 2 W.L.R. 868
ss. 28, 30, 44 (1), 65 (3), Sch. 6, para. 1: Green *v.* Bowes-Lyon [1961] 1 W.L.R. 503, C.A.; [1963] A.C. 420; [1961] 3 W.L.R. 1044, H.L.(E.)
s. 29: Aviagents Ltd. *v.* Balstravest Investments Ltd. [1966] 1 W.L.R. 150, C.A.
s. 29 (3): Hodgson *v.* Armstrong [1967] 2 Q.B. 299; [1967] 2 W.L.R. 311, C.A.
  Kammins Ballrooms Co. Ltd. *v.* Zenith Investments (Torquay) Ltd. [1970] 1 Q.B. 673; [1969] 3 W.L.R. 799, C.A.; [1970] 3 W.L.R. 287, H.L.(E.)
s. 30 (1): Willis *v.* Association of Universities of the British Commonwealth (No. 2) [1965] 1 W.L.R. 836, C.A.
s. 30 (1) (*c*): Eichner *v.* Midland Bank Executor and Trustee Co. Ltd. [1970] 1 W.L.R. 1120, C.A.
s. 30 (1) (*f*): Whittingham *v.* Davies [1962] 1 W.L.R. 142, C.A.
  Little Park Service Station Ltd. *v.* Regent Oil Co. Ltd. [1967] 2 Q.B. 655; [1967] 2 W.L.R. 1036, C.A.
  Dutch Oven Ltd. *v.* Egham Estate and Investment Co. Ltd. [1968] 1 W.L.R. 1483
s. 30 (1) (*g*): Gregson *v.* Cyril Lord Ltd. [1963] 1 W.L.R. 41, C.A.
  Tunstall *v.* Steigmann [1962] 2 Q.B. 593; [1962] 2 W.L.R. 1045, C.A.
  A. D. Wimbush & Son Ltd. *v.* Franmills Properties Ltd. [1961] Ch. 419; [1961] 2 W.L.R. 498
  Willis *v.* Association of Universities of the British Commonwealth [1965] 1 Q.B. 140; [1964] 2 W.L.R. 946, C.A.
  Northcote Laundry Ltd. *v.* Frederick Donnelly Ltd. [1968] 1 W.L.R. 562, C.A.
s. 30 (1) (*g*) (2): Artemiou *v.* Procopiou [1966] 1 Q.B. 878; [1965] 3 W.L.R. 1011, C.A.
s. 32 (1): I. & H. Caplan Ltd. *v.* Caplan [1962] 1 W.L.R. 55, H.L.(E.)
s. 33: London and Provincial Millinery Stores Ltd. *v.* Barclays Bank Ltd. [1962] 1 W.L.R. 510, C.A.; McCombie *v.* Grand Junction Co. Ltd. [1962] 1 W.L.R. 581, C.A.
s. 34: Oscroft *v.* Benabo [1967] 1 W.L.R. 1087, C.A.
s. 34 (*c*): *In re* "Wonderland," Cleethorpes [1962] Ch. 696; [1962] 2 W.L.R. 165; [1962] 2 W.L.R. 776, C.A.; [1965] A.C. 58; [1963] 2 W.L.R. 1426, H.L.(E.)
ss. 37, 38, Sch. 9, para. 5 (1): Connaught Fur Trimmings Ltd. *v.* Cramas Properties Ltd. [1965] 1 W.L.R. 46, C.A.; [1965] 1 W.L.R. 892, H.L.(E.)
s. 38 (1): Joseph *v.* Joseph [1967] Ch. 78; [1966] 3 W.L.R. 631, C.A.
ss. 43 (1) (*b*), 46: O'Callaghan *v.* Elliott [1966] 1 Q.B. 601; [1965] 3 W.L.R. 746, C.A.
ss. 44 (1), 67: Meah *v.* Mouskos [1964] 2 Q.B. 23; [1964] 2 W.L.R. 27, C.A.
Sch. 9, para. 5 (1): Connaught Fur Trimmings Ltd. *v.* Cramas Properties Ltd. [1964] 1 W.L.R. 1115

Charitable Trusts (Validation) Act (2 & 3 Eliz. 2, c. 58)—
s. 1: *In re* Mead's Trust Deed [1961] 1 W.L.R. 1244
  In re Saxone Shoe Co. Ltd.'s Trust Deed [1962] 1 W.L.R. 943
ss. 1 (1), 2 (1): *In re* Wykes, decd. [1961] Ch. 229; [1961] 2 W.L.R. 115
ss. 1 (1) (2), 2 (1): *In re* Harpur's Will Trusts [1962] Ch. 78; [1961] 3 W.L.R. 924, C.A.
ss. 1 (2), 2 (3), 3 (1) (2) (3): *In re* Chitty's Will Trusts [1970] Ch. 254; [1969] 3 W.L.R. 643

Post Office Savings Bank Act (2 & 3 Eliz. 2, c. 62)—
s. 8 (1) (*b*): Ministry of Pensions and National Insurance *v.* Jones [1966] 1 Q.B. 484; [1965] 3 W.L.R. 179

Trustee Savings Banks Act (2 & 3 Eliz. 2, c. 63)—
ss. 9 (8) proviso, 24 (2): Knight & Searle *v.* Dove [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50

1954 **Mines and Quarries Act** (2 & 3 Eliz. 2, c. 70)—
s. 31 (1) (2): Rodgers *v.* National Coal Board [1966] 1 W.L.R. 1559
ss. 34, 39: Cook *v.* National Coal Board [1961] 1 W.L.R. 1192, C.A.
s. 34 (1): Lister *v.* National Coal Board [1970] 1 Q.B. 228; [1969] 3 W.L.R. 439, C.A.
s. 41: Jones *v.* National Coal Board [1965] 1 W.L.R. 532
s. 48: John G. Stein & Co. Ltd. *v.* O'Hanlon [1965] A.C. 890; [1965] 2 W.L.R. 496, H.L.(Sc.)
s. 48 (1): Venn *v.* National Coal Board [1967] 2 Q.B. 557; [1967] 2 W.L.R. 465
s. 48 (1) (2): Brown *v.* National Coal Board [1962] A.C. 574; [1962] 2 W.L.R. 284, H.L.(E.)
Beiscak *v.* National Coal Board [1965] 1 W.L.R. 518
Soar *v.* National Coal Board [1965] 1 W.L.R. 886, C.A.
ss. 48 (1), 157: Tomlinson *v.* Beckermet Mining Co. Ltd. [1964] 1 W.L.R. 1043, C.A.
ss. 49 (1) (5), 157: Morris *v.* National Coal Board [1963] 1 W.L.R. 1382, C.A.
ss. 51 (3), 81 (1): Grimstead *v.* National Coal Board [1965] 1 W.L.R. 1252
ss. 81 (1), 157: Sanderson *v.* National Coal Board [1961] 2 Q.B. 244; [1961] 3 W.L.R. 73, C.A.
s. 108 (1): Brazier *v.* Skipton Rock Co. Ltd. [1962] 1 W.L.R. 471
s. 157: Imperial Chemical Industries Ltd. *v.* Shatwell [1965] A.C. 656; [1964] 3 W.L.R. 329, H.L.(E.)

Town and Country Planning Act (2 & 3 Eliz. 2, c. 72)—
ss. 1, 14 (1): *In re* Sneyd, decd. [1961] 1 W.L.R. 575
s. 14 (1): *In re* Chance's Will Trusts [1962] Ch. 593; [1962] 1 W.L.R. 409
s. 28 (5): Ministry of Housing and Local Government *v.* Sharp [1970] 2 Q.B. 223; [1970] 2 W.L.R. 802, C.A.

1955 **Army Act** (3 & 4 Eliz. 2, c. 18)—
s. 70: Reg. *v.* Naismith [1961] 1 W.L.R. 952
Reg. *v.* Cox [1963] A.C. 48; [1962] 2 W.L.R. 126; Cox *v.* Army Council [1963] A.C. 48; [1962] 2 W.L.R. 950, H.L.(E.)
Reg. *v.* Cooper (Anthony) [1969] 1 W.L.R. 977, Ct.-M.A.C.

Rating and Valuation (Miscellaneous Provisions) Act (4 Eliz. 2, c. 9)—
s. 1: Reg. *v.* Paddington Valuation Officer, *Ex parte* Peachey Property Corpn. Ltd. [1964] 1 W.L.R. 1186, D.C.
s. 6, Sch. 4, para. 2 (1): North Western Gas Board *v.* Manchester Corpn. [1964] 1 W.L.R. 64, C.A.
s. 7: Essex Incorporated Congregational Church Union *v.* Essex County Council [1962] 2 Q.B. 613; [1962] 3 W.L.R. 306, C.A.
s. 7 (2) (*a*) (*b*): Henning *v.* Church of Jesus Christ of Latter-Day Saints [1962] 1 W.L.R 1091, C.A.; [1964] A.C. 420; [1963] 3 W.L.R. 88, H.L.(E.)
s. 8 (2): Institute of Orthopaedics *v.* Harrow Corpn. [1963] 1 W.L.R. 10
s. 9 (1): Jewish Blind Society Trustees *v.* Henning [1961] 1 W.L.R. 24, C.A.
s. 9 (1) (*c*): Almond *v.* Birmingham Corpn. [1966] 2 Q.B. 395; [1966] 2 W.L.R. 374, C.A.; [1968] A.C. 37; [1967] 3 W.L.R. 196, H.L.(E.)
s. 9 (1) (*d*): Walker *v.* Wood [1962] 1 W.L.R. 1060, C.A.

Food and Drugs Act (4 Eliz. 2, c. 16)—
s. 2: Tonkin *v.* Victor Value Ltd. [1962] 1 W.L.R. 339, D.C.
Goodfellow *v.* Johnson [1966] 1 Q.B. 83; [1965] 2 W.L.R. 1235, D.C.
Appleby *v.* Sleep [1968] 1 W.L.R. 948, D.C.
ss. 2 (1), 115 (1): Watford Corpn. *v.* Maypole Ltd. [1970] 1 Q.B. 573; [1970] 2 W.L.R. 220, D.C.
ss. 2 (1), 115 (1) (*c*): Hall *v.* Owen-Jones [1967] 1 W.L.R. 1362, D.C.
s. 9 (1) (2) (3): Reg. *v.* Birmingham City Justice, *Ex parte* Chris Foreign Foods (Wholesalers) Ltd. [1970] 1 W.L.R. 1428, D.C.
ss. 91, 94 (4), 108: Dwerryhouse *v.* United Co-operative Dairies Ltd. [1962] 1 W.L.R. 372, D.C.
s. 113: United Dairies (London) Ltd. *v.* Beckenham Corpn. [1963] 1 Q.B. 434; [1961] 2 W.L.R. 737, D.C.
s. 113 (1): Oxo Ltd. *v.* Chappell [1966] 2 Q.B. 228; [1966] 2 W.L.R. 1435, D.C.
s. 115 (1): Milk Marketing Board *v.* Hall [1968] 1 W.L.R. 704, D.C.

Finance (No. 2) Act (4 Eliz. 2, c. 17)—
s. 4 (1) (2): Inland Revenue Comrs. *v.* Collco Dealings Ltd. [1962] A.C. 1; [1961] 2 W.L.R. 401, C.A.

1956 **Small Lotteries and Gaming Act** (4 & 5 Eliz. 2, c. 45)—
ss. 1, 4: Payne *v.* Bradley [1961] 2 Q.B. 44; [1961] 2 W.L.R. 361, D.C.; [1962] A.C. 343; [1961] 3 W.L.R. 281, H.L.(E.)

Administration of Justice Act (4 & 5 Eliz. 2, c. 46)—
s. 1: The Skylark [1965] P. 474; [1965] 3 W.L.R. 759
The Queen of the South [1968] P. 449; [1968] 2 W.L.R. 973
s. 1 (1): The Bineta [1967] 1 W.L.R. 121
s. 1 (1) (*c*) (*o*): The Acrux [1965] P. 391; [1965] 3 W.L.R. 80, C.A.
s. 1 (1) (4): *In re* Glider Standard Austria S.H. 1964 [1965] P. 463; [1965] 3 W.L.R. 568

1956 **Administration of Justice Act**—*continued.*

ss. 1, 3: The Monica S. [1968] P. 741; [1968] 2 W.L.R. 431

s. 3 (4): Practice Direction (Arresting "Sister" Ship: Pleadings) [1965] 1 W.L.R. 1453

Practice Direction (Arresting "Sister" Ship: Pleadings) (No. 2) [1969] 1 W.L.R. 613

The Banco [1970] 3 W.L.R. 842

s. 3 (3) (4): The St. Merriel [1963] P. 247; [1963] 2 W.L.R. 488

s. 3 (4) (*b*): The Soya Margareta [1961] 1 W.L.R. 709

s. 4: The World Harmony [1967] P. 341; [1965] 2 W.L.R. 1275

s. 15: *In re* Edward's Questions [1961] 1 W.L.R. 1285

s. 35 (1) (3): *In re* Overseas Aviation Engineering (G.B.) Ltd. [1962] Ch. 738; [1962] 2 W.L.R. 968; [1963] Ch. 24; [1962] 3 W.L.R. 594, C.A.

Irani Finance Ltd. *v.* Singh [1970] 2 W.L.R. 117; [1970] 3 W.L.R. 330, C.A.

Family Allowances and National Insurance Act (4 & 5 Eliz. 2, c. 50)—

s. 3: Imam Din *v.* National Assistance Board [1967] 2 Q.B. 213; [1967] 2 W.L.R. 257, D.C.

Finance Act (4 & 5 Eliz. 2, c. 54)—

Sch. 2, para. 1: Heaton *v.* Bell [1968] 1 W.L.R. 763; [1968] 1 W.L.R. 1385, C.A.; [1970] A.C. 728; [1969] 2 W.L.R. 735, H.L.(E.)

Sch. 2, para. 1 (1): Laidler *v.* Perry [1965] Ch. 192; [1964] 3 W.L.R. 709, C.A.; [1966] A.C. 16; [1965] 2 W.L.R. 1172, H.L.(E.)

Road Traffic Act (4 & 5 Eliz. 2, c. 67)—

s. 22 (1) (*a*): Strong *v.* Dawtry [1961] 1 W.L.R. 841, D.C.

Restrictive Trade Practices Act (4 & 5 Eliz. 2, c. 68)—

ss. 1 (2), 20 (1) (3) (5): *In re* Newspaper Proprietors' Agreement (1962) L.R. 3 R.P. 81; [1962] 1 W.L.R. 328, R.P.Ct.(E. & W.); (1962) L.R. 3 R.P. 360; [1963] 1 W.L.R. 78, C.A.; (1964) L.R. 4 R.P. 361; [1964] 1 W.L.R. 31, H.L.(E.)

ss. 6, 9: Initial Services Ltd. *v.* Putterill [1968] 1 Q.B. 396; [1967] 3 W.L.R. 1032, C.A.

s. 6 (1) (*a*): *In re* Electrical Installations at the Exeter Hospital Agreement [1970] 1 W.L.R. 1391, R.P.Ct.(E. & W.)

s. 6 (1) (*a*) (3): *In re* Mileage Conference Group of the Tyre Manufacturers' Conference Ltd.'s Agreement (1966) L.R. 6 R.P. 49; [1966] 1 W.L.R. 1137, R.P.Ct.(E. & W.)

ss. 6 (1) (*b*) (*c*), 21 (1) (*b*): *In re* British Waste Paper Association's Agreement (1963) L.R. 4 R.P. 29; [1963] 1 W.L.R. 540, R.P.Ct.(E. & W.)

s. 6 (1) (*c*): *In re* British Furniture Manufacturers' Federated Associations' Agreement (1966) L.R. 6 R.P. 185; [1966] 1 W.L.R. 1614, R.P.Ct.(E. & W.)

ss. 6 (1) (*c*) (7), 21 (1) (*d*): *In re* National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (No. 3) (1969) L.R. 7 R.P. 27; [1969] 1 W.L.R. 875, R.P.Ct.(E. & W.)

ss. 6 (1) (*c*), 13 (1) (2): *In re* Telephone Apparatus Manufacturers' Application (1962) L.R. 3 R.P. 98; [1962] 1 W.L.R. 596; (1963) L.R. 3 R.P. 462; [1963] 1 W.L.R. 463, C.A.

s. 6 (1) (*c*) (*e*) (3): British Basic Slag Ltd. *v.* Registrar of Restrictive Trading Agreements (1962) L.R. 3 R.P. 178; [1962] 1 W.L.R. 986; (1963) L.R. 4 R.P. 116; [1963] 1 W.L.R. 727, C.A.

ss. 6 (1) (*d*), 13, 20 (1) (3): *In re* Scottish Master Monumental Sculptors' Association's Agreement (1965) L.R. 5 R.P. 437, R.P.Ct.(Sc.)

ss. 6 (1) (3) (7), 21 (1) (*b*): *In re* Birmingham Association of Building Trades Employers' Agreement (1963) L.R. 4 R.P. 54; [1963] 1 W.L.R. 484, R.P.Ct.(E. & W.)

ss. 6 (1) (7), 20 (3) (4): *In re* Wholesale Confectioners Alliance's Agreement (No. 2) (1961) L.R. 2 R.P. 231; [1961] 1 W.L.R. 613, R.P.Ct.

s. 6 (5): Linoleum Manufacturers' Association *v.* Registrar of Restrictive Trading Agreements (1963) L.R. 4 R.P. 156; [1963] 1 W.L.R. 897

ss. 8 (3), 13 (2): Schweppes Ltd. *v.* Registrar of Restrictive Trading Agreements (1964) L.R. 5 R.P. 23; [1964] 1 W.L.R. 803; (1965) L.R. 5 R.P. 103; [1965] 1 W.L.R. 157, C.A.

s. 8 (4): Automatic Telephone & Electric Co. Ltd. *v.* Registrar of Restrictive Trading Agreements (1964) L.R. 5 R.P. 1; [1964] 1 W.L.R. 795; (1965) L.R. 5 R.P. 135; [1965] 1 W.L.R. 174, C.A.

s. 12 (1): *In re* British Mantle Manufacturers' Association's Agreement (1965) L.R. 5 R.P. 464, R.P.Ct.(E. & W.)

ss. 12 (1), 20 (1) (3): *In re* British Steel Founders' Association's Agreement (1963) L.R. 3 R.P. 496; [1963] 1 W.L.R. 550, R.P.Ct.(E. & W.)

ss. 14 (1), 15 (1) (3): Registrar of Restrictive Trading Agreements *v.* W. H. Smith & Son Ltd. (1968) L.R. 6 R.P. 532; [1968] 1 W.L.R. 1541; [1969] 1 W.L.R. 1460, C.A.

s. 18 (1) (2): Registrar of Restrictive Trading Agreements *v.* Schweppes Ltd. (1967) L.R. 6 R.P. 486

s. 20 (1): *In re* Crane Makers' Association's Agreement (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 542, R.P.Ct. (E. & W.); (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 917, C.A.

1956 **Restrictive Trade Practices Act**—*continued.*

s. 20 (3): *In re* Newspaper Proprietors' Association Ltd.'s and National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (1961) L.R. 2 R.P. 453; [1961] 1 W.L.R. 1149
In re Black Bolt and Nut Association's Agreement (No. 2) (1961) L.R. 2 R.P. 433; [1961] 1 W.L.R. 1139
In re Bolt and Nut Stockholders' Association's Agreement (1966) L.R. 6 R.P. 126, R.P.Ct.(E. & W.)
In re Aluminium Manufacturers' Agreement (1968) L.R. 6 R.P. 510, R.P.Ct. (E. & W.)

s. 20 (3) (*a*) (*b*): *In re* Black Bolt and Nut Association's Agreement (No. 2) (1961) L.R. 3 R.P. 43; [1962] 1 W.L.R. 75, C.A.

s. 20 (3) (*b*): *In re* Associated Transformer Manufacturers' Agreement (No. 2) [1970] 1 W.L.R. 1589, R.P.Ct.(E. & W.)

ss. 20 (5), 21 (1) (*a*) (*b*) (*e*): *In re* Motor Vehicle Distribution Scheme Agreement (1961) L.R. 2 R.P. 173; [1961] 1 W.L.R. 92, R.P.Ct.

s. 21 (1) (*a*): *In re* Tyre Trade Register Agreement (1963) L.R. 3 R.P. 404; [1963] 1 W.L.R. 367, R.P.Ct.(E. & W.)

s. 21 (1) (*b*): *In re* British Waste Paper and Board Makers' Agreement (1963) L.R. 4 R.P. 1; [1963] 1 W.L.R. 530, R.P.Ct.(E. & W.)
In re Newspaper Proprietors' Association Ltd.'s and National Federation of Retail Newsagents, Booksellers and Stationers' Agreement (1961) L.R. 2 R.P. 453; [1961] 1 W.L.R. 1149
In re British Bottle Association's Agreement (1961) L.R. 2 R.P. 345; [1961] 1 W.L.R. 760, R.P.Ct.(E. & W.)
In re British Heavy Steelmakers' Agreement (1964) L.R. 5 R.P. 33; [1964] 1 W.L.R. 862, R.P.Ct.(E. & W.)
In re Glazed Floor Tile Home Trade Association's Agreement (1964) L.R. 4 R.P. 239, R.P.Ct.(E. & W.)
In re Finance Houses Association Ltd.'s Agreement (1965) L.R. 5 R.P. 366; [1965] 1 W.L.R. 1419, R.P.Ct.(E. & W.)
In re Distant Water Vessels Development Scheme (1966) L.R. 6 R.P. 242; [1967] 1 W.L.R. 203, R.P.Ct.(E. & W.)

s. 21 (1) (*b*) (*d*) (*f*): *In re* Locked Coil Ropemakers' Association's Agreement (1965) L.R. 5 R.P. 146; [1965] 1 W.L.R. 121, R.P.Ct.(E. & W.)
In re Associated Transformer Manufacturers' Agreement (1961) L.R. 2 R.P. 295; [1961] 1 W.L.R. 660, R.P.Ct.(E. & W.)

s. 21 (1) (*b*) (*e*): *In re* British Jute Trade Federal Council's Agreements (1964) L.R. 4 R.P. 399, R.P.Ct.(Sc.)

ss. 21 (1) (*b*) (*c*) (*d*) (*g*), 22, Sch., para. 3: *In re* National Sulphuric Acid Association's Agreement (No. 2) (1966) L.R. 6 R.P. 210, R.P.Ct.(E. & W.)

s. 21 (1) (*b*) (*f*): *In re* Linoleum Manufacturers' Association's Agreement (1961) L.R. 2 R.P. 395; [1961] 1 W.L.R. 986, R.P.Ct.(E. & W.)

s. 21 (1) (*b*) (*f*) (*g*): *In re* Permanent Magnet Association's Agreement (1962) L.R. 3 R.P. 119; [1962] 1 W.L.R. 781, R.P.Ct.(E. & W.); *In re* Net Book Agreement, 1957 (1963) L.R. 3 R.P. 246; [1962] 1 W.L.R. 1347, R.P.Ct.(E. & W.)

s. 21 (1) (*b*) (*g*): *In re* Cement Makers' Federation Agreement (1961) L.R. 2 R.P. 241; [1961] 1 W.L.R. 581, R.P.Ct.(E. & W.)
In re Standard Metal Window Group's Agreement (1962) L.R. 3 R.P. 198; [1962] 1 W.L.R. 1020, R.P.Ct.(E. & W.)
In re British Iron and Steel Federation and National Federation of Scrap Iron, Steel and Metal Merchants' Agreement (1964) L.R. 4 R.P. 299, R.P.Ct.(E. & W.)

s. 21 (1) (*d*): *In re* National Federation of Retail Newsagents', Booksellers' and Stationers' Agreement (1965) L.R. 5 R.P. 236; [1965] 1 W.L.R. 826, R.P.Ct.(E. & W.)
Daily Mirror Newspapers Ltd. *v.* Gardner [1968] 2 Q.B. 762; [1968] 2 W.L.R. 1239, C.A.

s. 21 (1) (*d*) (*g*): *In re* National Sulphuric Acid Association's Agreement (1963) L.R. 4 R.P. 169; [1963] 1 W.L.R. 848, R.P.Ct.(E. & W.)

s. 21 (1) (*g*): *In re* Black Bolt and Nut Association's Agreement (No. 3) (1965) L.R. 6 R.P. 1; [1966] 1 W.L.R. 93, R.P.Ct.(E. & W.)

s. 22: *In re* British Paper and Board Makers' Association's Agreement and British Waste Paper Association's Agreement (No. 2) (1966) L.R. 6 R.P. 161; [1966] 1 W.L.R. 1467, R.P.Ct.(E. & W.)

s. 22 (4): *In re* Permanent Magnet Association's Agreement (No. 2) (1962) L.R. 3 R.P. 392; [1963] 1 W.L.R. 63, R.P.Ct.(E. & W.)

s. 25: E.M.I. Records Ltd. *v.* Morris (1965) L.R. 5 R.P. 254; [1965] 1 W.L.R. 989

s. 25 (1): Bulpitt & Sons Ltd. *v.* S. Bellman & Sons Ltd. (1962) L.R. 3 R.P. 62

ss. 25 (2) (*a*) (*b*), 36 (1): John Mackintosh & Sons Ltd. *v.* Baker's Bargain Stores (Seaford) Ltd. (1965) L.R. 5 R.P. 305; [1965] 1 W.L.R. 1182

Sexual Offences Act (4 & 5 Eliz. 2, c. 69)—

ss. 1, 30: Shaw *v.* Director of Public Prosecutions [1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)

1956 **Sexual Offences Act**—*continued.*
s. 4: Reg. *v.* Shillingford; Reg. *v.* Vanderwall [1968] 1 W.L.R. 566, C.A.
s. 6 (1): *In re* Roberts [1967] 1 W.L.R. 474
Alhaji Mohamed *v.* Knott [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446, D.C.
s. 6 (1) (3): Reg. *v.* McCormack [1969] 2 Q.B. 442; [1969] 3 W.L.R. 175, C.A.
ss. 7, 45 (as amended): Reg. *v.* Hudson [1966] 1 Q.B. 448; [1965] 2 W.L.R. 604, C.C.A.
s. 13: Reg. *v.* Hall [1964] 1 Q.B. 273; [1963] 3 W.L.R. 482, C.C.A.
Reg. *v.* Warn [1968] 1 Q.B. 718; [1968] 2 W.L.R. 131, Ct.-M.A.C.; [1970] A.C. 344; [1968] 3 W.L.R. 609, H.L.(E.)
ss. 22 (1) (*a*), 30 (1): Reg. *v.* Webb [1964] 1 Q.B. 357; [1963] 3 W.L.R. 638, C.C.A.
s. 23: Reg. *v.* Johnson (Gerald) [1964] 2 Q.B. 404; [1963] 3 W.L.R. 1031, C.C.A.
s. 30: **Reg. *v.* Hassan [1970] 1 Q.B. 423; [1970] 2 W.L.R. 82, C.A.**
s. 32: Burge *v.* Director of Public Prosecutions [1962] 1 W.L.R. 265, D.C.
Crook *v.* Edmondson [1966] 2 Q.B. 81; [1966] 2 W.L.R. 672
Dale *v.* Smith [1967] 1 W.L.R. 700, D.C.
s. 33: Gorman *v.* Standen [1964] 1 Q.B. 294; [1963] 3 W.L.R. 917, D.C.
Abbott *v.* Smith (Note) [1965] 2 Q.B. 662; [1965] 3 W.L.R. 362
s. 34: Donovan *v.* Gavin [1965] 2 Q.B. 648; [1965] 3 W.L.R. 352
Sch. 2, Pt. 1, item 1 (*a*): Reg. *v.* Mochan [1969] 1 W.L.R. 1331
Sch. 4, cl. 8: Reg. *v.* Williams [1962] 1 W.L.R. 1268, C.C.A.

Copyright Act (4 & 5 Eliz. 2, c. 74)—
ss. 2, 48, 49 (1): Ladbroke (Football) Ltd. *v.* William Hill (Football) Ltd. [1964] 1 W.L.R. 273, H.L.(E.)
ss. 2 (5), 49: Francis Day & Hunter Ltd. *v.* Bron [1963] Ch. 587; [1963] 2 W.L.R. 868, C.A.
ss. 9, 10: Dorling *v.* Honnor Marine Ltd. [1964] Ch. 560; [1963] 3 W.L.R. 397; [1965] Ch. 1; [1964] 2 W.L.R. 195, C.A.
s. 12 (7): Phonographic Performance Ltd. *v.* Pontin's Ltd. [1968] Ch. 290; [1967] 3 W.L.R. 1622
ss. 19 (1), 36 (1), 37 (1): Chaplin *v.* Leslie Frewin (Publishers) Ltd. [1966] Ch. 71; [1966] 2 W.L.R. 40, Waller J. and C.A.
s. 19 (3): Warwick Film Productions Ltd. *v.* Eisinger [1963] 1 W.L.R. 756
s. 20 (4): Warwick Film Productions Ltd. *v.* Eisinger [1969] 1 Ch. 508; [1967] 3 W.L.R. 1599
s. 31 (3): Rediffusion (Hong Kong) Ltd. *v.* Attorney-General of Hong Kong [1970] A.C. 1136; [1970] 2 W.L.R. 1264, P.C.
s. 49 (7): J. & C. Moores Ltd. *v.* Comrs. of Customs and Excise [1963] 1 W.L.R. 356

Medical Act (4 & 5 Eliz. 2, c. 76)—
s. 36: Bhattacharya *v.* General Medical Council [1967] 2 A.C. 259; [1967] 3 W.L.R. 498, P.C.

Representation of the Laity Measure (4 & 5 Eliz. 2, No. 2)—
Sch., rr. 5 (1), 6 (1), 8, 12 (1), 27 (1), 31 (1) (2): Mulholland *v.* St. Peter, Roydon, Parochial Church Council [1969] 1 W.L.R. 1842

Parochial Church Councils (Powers) Measure (4 & 5 Eliz. 2, No. 3)—
In re St. Peter, Roydon [1969] 1 W.L.R. 1849

1957 **Homicide Act** (5 & 6 Eliz. 2, c. 11)—
s. 2: Reg. *v.* Dixon [1961] 1 W.L.R. 337
Rose *v.* The Queen [1961] A.C. 496; [1961] 2 W.L.R. 506, P.C.
Reg. *v.* Russell [1964] 2 Q.B. 596; [1964] 2 W.L.R. 551
Reg. *v.* Terry [1961] 2 Q.B. 314; [1961] 2 W.L.R. 961, C.C.A.
Reg. *v.* Price [1963] 2 Q.B. 1; [1962] 3 W.L.R. 1308
s. 2 (1): Reg. *v.* Ahmed Din [1962] 1 W.L.R. 680, C.C.A.
Reg. *v.* Lloyd [1967] 1 Q.B. 175; [1966] 2 W.L.R. 13, C.C.A.
Reg. *v.* Bathurst [1968] 2 Q.B. 99; [1968] 2 W.L.R. 1092, C.A.
s. 3: Reg. *v.* Porritt [1961] 1 W.L.R. 1372, C.C.A.
Phillips *v.* The Queen [1969] 2 A.C. 130; [1969] 2 W.L.R. 581, P.C.
Reg. *v.* Ives [1970] 1 Q.B. 208; [1969] 3 W.L.R. 266, C.A.
Reg. *v.* Walker [1969] 1 W.L.R. 311, C.A.
s. 5 (1) (*a*) (3) (5) (*e*): Reg. *v.* Masters [1965] 1 Q.B. 517; [1964] 3 W.L.R. 288, C.C.A.
ss. 5 (1) (*a*), 6: Reg. *v.* King [1965] 1 Q.B. 443; [1964] 3 W.L.R. 980, McNair J. and C.C.A.

Rent Act (5 & 6 Eliz. 2, c. 25)—
ss. 11 (1) (2), proviso, (7), 25 (1), Sch. 4, paras. 2 (1) (2) (4), 3, 4, 5 (1): Cheesman *v.* Bagnall [1962] 1 W.L.R. 672
s. 11 (1) (2) (7), Sch. 4, paras. 1, 2 (2), 3, 4: King *v.* Bristow [1965] 1 W.L.R. 718, C.A.
s. 11, Sch. 4: Muspratt *v.* Johnson [1963] 2 Q.B. 383; [1963] 2 W.L.R. 1153, C.A.
s. 16: Crane *v.* Morris [1965] 1 W.L.R. 1104, C.A.
Schnabel *v.* Allard [1967] 1 Q.B. 627; [1966] 3 W.L.R. 1295, C.A.
s. 19 (3): Maynard *v.* Maynard [1969] P. 88; [1969] 2 W.L.R. 22

1957 **Solicitors Act** (5 & 6 Eliz. 2, c. 27)—
s. 20 (1) (*a*): Carter *v.* Butcher [1966] 1 Q.B. 526; [1965] 2 W.L.R. 1073, D.C.
ss. 29, 46: Parry-Jones *v.* Law Society [1968] Ch. 195; [1967] 3 W.L.R. 1305; [1969] 1 Ch. 1; [1968] 2 W.L.R. 397, C.A.
s. 41 (1): Adlam *v.* Law Society [1968] 1 W.L.R. 6
ss. 50, 57, 59: Electrical Trades Union *v.* Tarlo [1964] Ch. 720; [1964] 2 W.L.R. 1041
s. 66: Reg. *v.* Yule [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.
s. 69 (1) (2): *In re* A Solicitor [1961] Ch. 491; [1961] 2 W.L.R. 698

Magistrates' Courts Act (5 & 6 Eliz. 2, c. 29)—
s. 1: Reg *v.* Llandrindod Wells Justices, *Ex parte* Gibson [1968] 1 W.L.R. 598, D.C.
s. 1 (1) (2): Reg. *v.* Norham and Islandshire Justices, *Ex parte* Sunter Bros. Ltd. [1961] 1 W.L.R. 364, D.C.

Occupiers' Liability Act (5 & 6 Eliz. 2, c. 31)—
Clayton *v.* Woodman & Son (Builders) Ltd. [1962] 2 Q.B. 533; [1961] 3 W.L.R. 987
s. 1: Fisher *v.* C.H.T. Ltd. (No. 2) [1966] 2 Q.B. 475; [1966] 2 W.L.R. 391, C.A.
ss. 1 (2) (4), 2 (1) (2) (6): Greenhalgh *v.* British Railways Board [1969] 2 Q.B. 286; [1969] 2 W.L.R. 892, C.A.
s. 1 (3): Kearney *v.* Eric Waller Ltd. [1967] 1 Q.B. 29; [1966] 2 W.L.R. 208
ss. 1 (3) (*b*), 2 (4) (*b*): AMF International Ltd. *v.* Magnet Bowling Ltd. [1968] 1 W.L.R. 1028
ss. 1, 2: Roles *v.* Nathan [1963] 1 W.L.R. 1117, C.A.
Wheat *v.* E. Lacon & Co. Ltd. [1966] 1 Q.B. 335; [1965] 3 W.L.R. 142, C.A.; [1966] A.C. 552; [1966] 2 W.L.R. 581, H.L.(E.)
s. 2: Reffell *v.* Surrey County Council [1964] 1 W.L.R. 358
s. 2 (1) (2): Savory *v.* Holland & Hannen & Cubitts (Southern) Ltd. [1964] 1 W.L.R. 1158, C.A.
Bunker *v.* Charles Brand & Son Ltd. [1969] 2 Q.B. 480; [1969] 2 W.L.R. 1392

Maintenance Agreements Act (5 & 6 Eliz. 2, c. 35)—
s. 1 (3): K. *v.* K. [1961] 1 W.L.R. 802, C.A.
Ratcliffe *v.* Ratcliffe [1962] 1 W.L.R. 1455, C.A.
Gorman *v.* Gorman [1964] 1 W.L.R. 1440, C.A.

Cheques Act (5 & 6 Eliz. 2, c. 36)—
s. 2: Midland Bank Ltd. *v.* R. V. Harris Ltd. [1963] 1 W.L.R. 1021
Westminster Bank Ltd. *v.* Zang [1966] A.C. 182; [1964] 3 W.L.R. 1105; [1965] 2 W.L.R. 824, C.A.; [1966] A.C. 182; [1966] 2 W.L.R. 581, H.L.(E.)
Barclays Bank Ltd. *v.* Astley Industrial Trust Ltd. [1970] 2 Q.B. 527; [1970] 2 W.L.R. 876
s. 4 (1): Marfani & Co. Ltd. *v.* Midland Bank Ltd. [1968] 1 W.L.R. 956, Nield J. and C.A.
ss. 4 (2) (*a*) (*b*), 5: Orbit Mining and Trading Co. Ltd. *v.* Westminster Bank Ltd. [1963] 1 Q.B. 794; [1962] 3 W.L.R. 1256, MacKenna J. and C.A.

Geneva Conventions Act (5 & 6 Eliz. 2, c. 52)—
Cheney *v.* Conn [1968] 1 W.L.R. 242

Naval Discipline Act (5 & 6 Eliz. 2, c. 53)—
s. 42: Reg. *v.* Warn [1968] 1 Q.B. 718; [1968] 2 W.L.R. 131, Ct.-M.A.C.; [1970] A.C. 394; [1968] 3 W.L.R. 609, H.L.(E.)

Affiliation Proceedings Act (5 & 6 Eliz. 2, c. 55)—
s. 1: Buckeridge *v.* Hall [1963] 1 Q.B. 614; [1963] 2 W.L.R. 354, D.C.
Giltrow *v.* Day [1965] 1 W.L.R. 317, D.C.
Whitton *v.* Garner [1965] 1 W.L.R. 313, D.C.
Gaines *v.* W. (An Infant) [1968] 1 Q.B. 782; [1968] 2 W.L.R. 139, D.C.
Reg. *v.* Bow Road Justices, *Ex parte* Adedigba [1968] 2 Q.B. 572; [1968] 2 W.L.R. 1143, C.A.
s. 2 (*b*): Roberts *v.* Roberts [1962] P. 212; [1962] 3 W.L.R. 448
s. 2 (1) (*a*) (*b*): G. (A.) *v.* G. (T.) [1970] 2 Q.B. 643; [1970] 3 W.L.R. 132, C.A.
s. 4: Robinson *v.* Williams [1965] 1 Q.B. 89; [1964] 3 W.L.R. 563, D.C.
s. 4 (2): Simpson *v.* Collinson [1964] 2 Q.B. 80; [1964] 2 W.L.R. 387, C.A.
Corfield *v.* Hodgson [1966] 1 W.L.R. 590, D.C.

Housing Act (5 & 6 Eliz. 2, c. 56)—
ss. 16 (1), 17 (1), 20 (1), 23 (1) (2), 37 (1): Hillingdon London Borough Council *v.* Cutler [1968] 1 Q.B. 124; [1967] 3 W.L.R. 246, C.A.
ss. 20, 21: Pocklington *v.* Melksham Urban District Council [1964] 2 Q.B. 673; [1964] 3 W.L.R. 233, C.A.
ss. 21 (*a*), 22 (1): Reg. *v.* Epsom and Ewell Corpn., *Ex parte* R. B. Property Investments (Eastern) Ltd. [1964] 1 W.L.R. 1060, D.C.
s. 42 (1), Sch. 3, para. 4 (3), Sch. 4, para. 2: Ashbridge Investments Ltd. *v.* Minister of Housing and Local Government [1965] 1 W.L.R. 1320, C.A.
ss. 42 (1) (*a*), 43 (1): Annicola Investments Ltd. *v.* Minister of Housing and Local Government [1968] 1 Q.B. 631; [1966] 2 W.L.R. 1204
ss. 42, 43: Quiltotex Co. Ltd. *v.* Minister of Housing and Local Government [1966] 1 Q.B. 704; [1965] 3 W.L.R. 801

1957 **Housing Act**—*continued.*
s. 47 (2), Sch. 4, para. 2: London and Westcliff Properties Ltd. *v.* Minister of Housing and Local Government [1961] 1 W.L.R. 519
ss. 59 (1) (2), 61, Sch. 2, Pt. II, para. 6: Blamires *v.* Bradford Corpn. [1964] Ch. 585; [1964] 3 W.L.R. 226
s. 60 (2): Hoggard *v.* Worsbrough Urban District Council [1962] 2 Q.B. 93; [1962] 2 W.L.R. 676
ss. 91, 92, 96: Moore *v.* Minister of Housing and Local Government [1966] 2 Q.B. 602; [1965] 3 W.L.R. 209
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s. 105 (1) (*a*) (*b*): Capital Investments Ltd. *v.* Wednesfield Urban District Council [1965] Ch. 774; [1964] 2 W.L.R. 932
s. 111 (1): Attorney-General *v.* Crayford Urban District Council [1962] Ch. 246; [1961] 3 W.L.R. 1198; [1962] Ch. 575; [1962] 2 W.L.R. 998, C.A.
ss. 111 (1), 113 (3) (4): Luby *v.* Newcastle-under-Lyme Corpn. [1964] 2 Q.B. 64; [1964] 2 W.L.R. 475; [1965] 1 Q.B. 214; [1964] 3 W.L.R. 500, C.A.
Evans *v.* Collins [1965] 1 Q.B. 580; [1964] 3 W.L.R. 30, D.C.
s. 158 (2): St. Pancras Borough Council *v.* Frey [1963] 2 Q.B. 586; [1963] 2 W.L.R. 894, D.C.
ss. 158 (2), 166 (2) (*b*): Reg. *v.* Forest Justices, *Ex parte* Dallaire [1962] 2 Q.B. 629; [1962] 2 W.L.R. 642, D.C.
s. 165: Josephine Trust Ltd. *v.* Champagne [1963] 2 Q.B. 160; [1962] 3 W.L.R. 1077, C.A.
s. 169 (1): Hewitt *v.* Leicester Corpn. [1969] 1 W.L.R. 855, C.A.
s. 189: Dolphin Square Trust Ltd. *v.* Hartman [1967] 1 W.L.R. 586, C.A.
Sch. 2, Part II, paras. 4 (1) (2), 7: Eastbourne Mutual Building Society *v.* Hastings Corpn. [1965] 1 W.L.R. 861
Sch. 2, Part II, paras. 4 (2), 6 (2): G. E. Stevens (High Wycombe) Ltd. *v.* High Wycombe Corpn. [1962] 2 Q.B. 547; [1961] 3 W.L.R. 228

1958 **Import Duties Act** (6 & 7 Eliz. 2, c. 6)—
s. 2 (2): J. & J. Colman Ltd. *v.* Comrs. of Customs and Excise [1968] 1 W.L.R. 1286, C.A.
ss. 2 (2) (3), 12 (1): Gallaher Ltd. *v.* Comrs. of Customs and Excise [1968] 2 Q.B. 674; [1968] 3 W.L.R. 188, C.A.; [1969] 2 W.L.R. 1209, H.L.(E.)

Trustee Savings Banks Act (6 & 7 Eliz. 2, c. 8)—
s. 5 (9): Knight & Searle *v.* Dove [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50

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Matrimonial Causes (Property and Maintenance) Act (6 & 7 Eliz. 2, c. 35)—
s. 1: L. *v.* L. [1962] P. 101; [1961] 3 W.L.R. 544; [1961] 3 W.L.R. 1182, C.A.
Eaketts *v.* Eaketts (Practice Note) [1961] 1 W.L.R. 66
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s. 2: Wyler *v.* Lyons [1963] P. 274; [1963] 2 W.L.R. 610
National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. (No. 2) [1964] Ch. 128; [1963] 3 W.L.R. 925; [1964] Ch. 665; [1964] 2 W.L.R. 751, C.A.
National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. [1965] A.C. 1175; [1965] 3 W.L.R. 1, H.L.(E.)
s. 3: Askew *v.* Askew [1961] 1 W.L.R. 725
In re Talbot, decd. [1962] 1 W.L.R. 113
In re Bellman, decd. [1963] P. 239; [1963] 2 W.L.R. 314
In re S., decd. [1965] P. 165; [1965] 2 W.L.R. 986
In re Ferrar's Application [1966] P. 126; [1966] 3 W.L.R. 444, C.A.
s. 3 (1) (3) (5): Roberts *v.* Roberts [1965] 1 W.L.R. 560
s. 7: Crystall *v.* Crystall [1963] 1 W.L.R. 574, C.A.
Spellman *v.* Spellman [1961] 1 W.L.R. 921, C.A.
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ss. 6 (1), 12 (1): Edmonds *v.* Edmonds [1965] 1 W.L.R. 58
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s. 1: Holmes *v.* Holmes [1966] 1 W.L.R. 187.
s. 1 (1): Reincke *v.* Gray [1964] 1 W.L.R. 832, C.A.
s. 1 (1) (2): Smith *v.* Smith and Brown [1962] 1 W.L.R. 1218, C.A.
s. 2: P. *v.* P. and J. [1970] P. 161; [1970] 2 W.L.R. 43

Prevention of Fraud (Investments) Act (6 & 7 Eliz. 2, c. 45)—
s. 10 (1) (2): *In re* Surrey Garden Village Trust Ltd. [1965] 1 W.L.R. 974
s. 13 (1): Reg. *v.* Grunwald [1963] 1 Q.B. 935; [1961] 2 W.L.R. 606
Reg. *v.* Linnell [1969] 1 W.L.R. 1514, C.A.
ss. 13 (1) (*b*), 14 (1): Hughes *v.* Trapnell [1963] 1 Q.B. 737; [1962] 3 W.L.R. 1068, D.C.

1958 **Agricultural Marketing Act** (6 & 7 Eliz. 2, c. 47)—
s. 19 (3): Padfield *v.* Minister of Agriculture, Fisheries and Food [1968] A.C. 997; [1968] 2 W.L.R. 924, C.A. and H.L.(E.).

Variation of Trusts Act (6 & 7 Eliz. 2, c. 53)—
s. 1: *In re* T.'s Settlement Trusts [1964] Ch. 158; [1963] 3 W.L.R. 987
In re Westminster Bank Ltd.'s Declaration of Trust [1963] 1 W.L.R. 820
In re Ker's Settlement Trusts [1963] Ch. 553; [1963] 2 W.L.R. 1210
In re Baker's Settlement [1964] 1 W.L.R. 336
In re Cooper's Settlement [1962] Ch. 826; [1961] 3 W.L.R. 1029
In re Seale's Marriage Settlement [1961] Ch. 574; [1961] 3 W.L.R. 262
In re Clarke's Will Trusts [1961] 1 W.L.R. 1471
In re Druce's Settlement Trusts [1962] 1 W.L.R. 363
In re Lister's Will Trusts [1962] 1 W.L.R. 1141
In re Longman's Settlement Trusts [1962] 1 W.L.R. 455
In re Breeden's Settlement Trusts (Practice Note) [1964] 1 W.L.R. 901
In re Van Gruisen's Will Trusts [1964] 1 W.L.R. 449
In re Lloyd's Settlement [1967] 2 W.L.R. 1078
In re Holmden's Settlement Trusts [1968] A.C. 685; [1968] 2 W.L.R. 300, H.L.(E.)
In re Wallace's Settlements [1968] 1 W.L.R. 711
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s. 1 (1): *In re* Pettifor's Will Trusts [1966] Ch. 257; [1966] 1 W.L.R. 778
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In re Drewe's Settlement [1966] 1 W.L.R. 1518
In re Christie-Miller's Marriage Settlement [1961] 1 W.L.R. 462
In re Burney's Settlement Trusts [1961] 1 W.L.R. 545
In re Michelham's Will Trusts [1964] Ch. 550; [1963] 2 W.L.R. 1238
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s. 1 (1) (*b*): *In re* Moncrieff's Settlement Trusts (Practice Note) [1962] 1 W.L.R. 1344
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s. 1 (1): Robinson *v.* Robinson (By his Guardian) [1965] P. 192; [1964] 3 W.L.R. 935
s. 1 (1) (*a*): Head *v.* Head (By her Guardian) [1963] P. 357; [1963] 3 W.L.R. 326
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Dunn *v.* Dunn (By her Guardian) [1963] P. 192; [1963] 2 W.L.R. 311

Local Government Act (6 & 7 Eliz. 2, c. 55)—
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Wednesbury Corpn. *v.* Ministry of Housing and Local Government (No. 2) [1966] 2 Q.B. 275; [1965] 3 W.L.R. 956, C.A.

Finance Act (6 & 7 Eliz. 2, c. 56)—
s. 1 (1) (2), Sch. 2, group 11: Comrs. of Customs and Excise *v.* H. G. Kewley Ltd. [1965] 1 W.L.R. 786, C.A.

Merchant Shipping (Liability of Shipowners and Others) Act (6 & 7 Eliz. 2, c. 62)—
s. 1: The Mecca [1968] P. 665; [1968] 3 W.L.R. 497
s. 3: The Bramley Moore [1964] P. 200; [1963] 2 W.L.R. 1389; [1964] P. 200; [1964] 2 W.L.R. 259, C.A.
The Annie Hay [1968] P. 341; [1968] 2 W.L.R. 353
s. 5: The Putbus [1969] P. 136; [1968] 3 W.L.R. 1003; [1969] P. 136; [1969] 2 W.L.R. 1241, C.A.

Children Act (6 & 7 Eliz. 2, c. 65)—
ss. 2 (1) (3) (*a*), 3 (1): Surrey County Council *v.* Battersby [1965] 2 Q.B. 194; [1965] 2 W.L.R. 378, D.C.

Tribunals and Inquiries Act (6 & 7 Eliz. 2, c. 66)—
ss. 1, 11, Sch. 1, Pt. I, para. 11: Punton *v.* Ministry of Pensions and National Insurance (No. 2) [1963] 1 W.L.R. 1176; [1964] 1 W.L.R. 225, C.A.
s. 7A: Givaudan & Co. Ltd. *v.* Minister of Housing and Local Government [1967] 1 W.L.R. 250
s. 9: Esso Petroleum Co. Ltd. *v.* Ministry of Labour [1969] 1 Q.B. 98; [1968] 3 W.L.R. 815, C.A.
s. 9 (1): George Cohen 600 Group Ltd. *v.* Minister of Housing and Local Government [1961] 1 W.L.R. 944, D.C.
Metropolitan Properties Co. (F.G.C.) Ltd. *v.* Lannon [1968] 1 W.L.R. 815, D.C.; [1969] 1 Q.B. 577; [1968] 3 W.L.R. 694, C.A.
s. 12: Iveagh (Earl of) *v.* Minister of Housing and Local Government [1962] 2 Q.B. 147; [1961] 3 W.L.R. 708; [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974, C.A.
s. 12 (1) (3): *In re* Poyser and Mills' Arbitration [1964] 2 Q.B. 467; [1963] 2 W.L.R. 1309

1958 **Agriculture Act** (6 & 7 Eliz. 2, c. 71)—
s. 3: Ministry of Agriculture, Fisheries and Food *v.* Jenkins [1963] 2 Q.B. 317; [1963] 2 W.L.R. 906, C.A.
s. 3 (2): Purser *v.* Bailey [1967] 1 Q.B. 526; [1967] 2 W.L.R. 146, D.C.; [1967] 2 Q.B. 500; [1967] 2 W.L.R. 1500, C.A.
Sch. 1, para. 21 (1): Jones *v.* Pembrokeshire County Council [1967] 1 Q.B. 202; [1966] 2 W.L.R. 938

Insurance Companies Act (6 & 7 Eliz. 2, c. 72)—
s. 13 (1) (as amended): *In re* Craven Insurance Co. Ltd. [1968] 1 W.L.R. 675

Adoption Act (7 Eliz. 2, c. 5)—
In re C. (L.) (An Infant) [1965] 2 Q.B. 449; [1964] 3 W.L.R. 1041, C.A.
In re E. (P.) (An Infant) [1968] 1 W.L.R. 1913, C.A.
ss. 1, 5, 7: *In re* B. (S.) (An Infant) [1968] Ch. 204; [1967] 3 W.L.R. 1438
ss. 1 (1) (5), 3 (1) (2), 12 (1) (3): *In re* W., Spinster (An Infant) [1962] Ch. 918; [1962] 3 W.L.R. 544
s. 2: *In re* P. (Infants) [1962] 1 W.L.R. 1296
s. 3 (1): *In re* B. (An Infant) [1964] Ch. 1; [1963] 3 W.L.R. 471
ss. 3 (1), 12 (3), 53: *In re* M. (An Infant) [1965] Ch. 203; [1964] 3 W.L.R. 609
ss. 3 (1), 35 (1): *In re* W. (Infants) [1965] 1 W.L.R. 1259
ss. 4, 5: *In re* R. (Adoption) [1967] 1 W.L.R. 34
In re W. (An Infant) [1970] 2 Q.B. 589; [1970] 3 W.L.R. 175, C.A.
s. 4 (1) (*a*): *In re* Adoption Application 41/61 (No. 2) [1964] Ch. 48; [1963] 3 W.L.R. 357
ss. 4 (1), 5 (1) (2), 7 (2), 9 (2): *In re* G. (T. J.) (An Infant) [1963] 2 Q.B. 73; [1963] 2 W.L.R. 69, C.A.
s. 5: Practice Direction (Adoption: Dispensing with Consent) [1961] 1 W.L.R. 737
Practice Direction (Adoption: Dispensing with Consent (No. 2)) [1967] 1 W.L.R. 1556
s. 5 (1) (*a*): *In re* F. (T.) (An Infant) [1970] 1 W.L.R. 192, C.A.
s. 5 (1) (*b*): *In re* F. (R.) (An Infant) [1970] 1 Q.B. 385; [1969] 3 W.L.R. 853, C.A.
ss. 12, 53: *In re* R. (An Infant) [1962] 1 W.L.R. 1147, C.A.
s. 16 (2) (*b*): *In re* Jones's Will Trusts [1965] Ch. 1124; [1965] 3 W.L.R. 506
s. 53: *In re* G. (An Infant) [1962] 2 Q.B. 141; [1962] 2 W.L.R. 1010, C.A.

National Debt Act (7 Eliz. 2, c. 6)—
s. 4: Reg. *v.* Chief Registrar of Friendly Societies, *Ex parte* Mills [1970] 1 W.L.R. 1534, D.C.

1959 **County Courts Act** (7 & 8 Eliz. 2, c. 22)—
s. 30: Crowley *v.* Brown [1964] 1 W.L.R. 147, C.A.
ss. 30, 165: Southam *v.* Smout [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606, C.A.
s. 30 (1): Vaughan *v.* McKenzie [1969] 1 Q.B. 557; [1968] 2 W.L.R. 1133, D.C.
ss. 39 (1), 45 (1) (2), 51 (as amended): Thompson *v.* White [1970] 1 W.L.R. 1434
s. 47 (1) (3): Colton *v.* McCaughey [1970] 1 W.L.R. 63
s. 47 (3): The Conet [1965] 1 W.L.R. 479
ss. 48 (1), 52 (1) (*c*) (as amended): West Penwith Rural District Council *v.* Gunnell [1968] 1 W.L.R. 1153, C.A.
ss. 52 (1) (*d*), 74: Kingswood Estate Co. Ltd. *v.* Anderson [1963] 2 Q.B. 169; [1962] 3 W.L.R. 1102, C.A.
s. 60: The Katcher I (No. 2) [1969] P. 72; [1969] 2 W.L.R. 401
s. 69: Overstone Ltd. *v.* Shipway [1962] 1 W.L.R. 117, C.A.
s. 74: Kenny *v.* Preen [1963] 1 Q.B. 499; [1962] 3 W.L.R. 1233, C.A.
s. 103: Williamson *v.* Rider [1963] 1 Q.B. 89; [1962] 3 W.L.R. 119, C.A.
Gore *v.* Van Der Lann [1967] 2 Q.B. 31; [1967] 2 W.L.R. 358, C.A.
Kirkpatrick *v.* Salvation Army Trustee Co. Ltd. [1968] 1 W.L.R. 1955, C.A.
s. 108: Snell *v.* Unity Finance Co. Ltd. [1964] 2 Q.B. 203; [1963] 3 W.L.R. 559, C.A.
Seldon *v.* Davidson [1968] 1 W.L.R. 1083, C.A.
s. 141 (1) (3): Parkash *v.* Irani Finance Ltd. [1970] Ch. 101; [1969] 2 W.L.R. 1134
s. 191: Wolmer Securities Ltd. *v.* Corne [1966] 2 Q.B. 243; [1966] 2 W.L.R. 1381, C.A.
s. 191 (1) (*a*): Matthews *v.* Dobbins [1963] 1 W.L.R. 227 C.A.
s. 191 (3): Lovelock *v.* Margo [1963] 2 Q.B. 786; [1963] 2 W.L.R. 794, C.A.

Highways Act (7 & 8 Eliz. 2, c. 25)—
s. 65 (1) (*a*) (*b*): Birmingham and Midland Motor Omnibus Co. Ltd. *v.* Worcestershire County Council [1967] 1 W.L.R. 409, Stamp J. and C.A.
s. 67 (2): Ching Garage Ltd. *v.* Chingford Corpn. [1961] 1 W.L.R. 470, H.L.(E.)
ss. 72, 73: Westminster Bank Ltd. *v.* Beverley Borough Council [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080; [1969] 1 Q.B. 499; [1968] 3 W.L.R. 671, C.A.; [1970] 2 W.L.R. 645, H.L.(E.)
s. 116 (as amended): Hampshire County Council *v.* Shonleigh Nominees Ltd. [1970] 1 W.L.R. 865
s. 121 (1): Arrowsmith *v.* Jenkins [1963] 2 Q.B. 561; [1963] 2 W.L.R. 856, D.C.
Nagy *v.* Weston [1965] 1 W.L.R. 280, D.C.
Redbridge London Borough Council *v.* Jaques [1970] 1 W.L.R. 1604, D.C.
s. 127: Mills *v.* Cooper [1967] 2 Q.B. 459; [1967] 2 W.L.R. 1343, D.C.
s. 140 (1): Gatland *v.* Metropolitan Police Comr. [1968] 2 Q.B. 279; [1968] 2 W.L.R. 1263, D.C.

1959 **Highways Act**—*continued.*

s. 144: Myers *v.* Harrow Corpn. [1962] 2 Q.B. 442; [1962] 2 W.L.R. 1210, D.C.

ss. 151, 152: Hemel Hempstead Development Corpn. *v.* Hemel Hempstead Borough Council [1962] 1 W.L.R. 1158

s. 154 (5): Scott *v.* Green & Sons (A Firm) [1969] 1 W.L.R. 301, C.A.

ss. 174, 177, 178: Bognor Regis Urban District Council *v.* Boldero [1962] 2 Q.B. 448; [1962] 3 W.L.R. 330, D.C.

ss. 176 (1), 213 (2), 295 (1): Buckinghamshire County Council *v.* Trigg [1963] 1 W.L.R. 155, D.C.

s. 195: Henshall *v.* Fogg [1964] 1 W.L.R. 1127, C.A.

s. 213: Alsager Urban District Council *v.* Barratt [1965] 2 Q.B. 343; [1965] 2 W.L.R. 1211, D.C.

s. 214 (1): Jolliffe *v.* Exeter Corpn. [1967] 1 W.L.R. 350; [1967] 1 W.L.R. 993, C.A.

s. 269: Reg. *v.* Ogden, *Ex parte* Long Ashton Rural District Council [1963] 1 W.L.R. 274, D.C.

s. 275 (1): Phillips *v.* Berkshire County Council [1967] 2 Q.B. 991; [1967] 3 W.L.R. 565, D.C.

Town and Country Planning Act (7 & 8 Eliz. 2, c. 53)—

s. 9 (2) (7) (*a*): Davy *v.* Leeds Corpn. [1964] 1 W.L.R. 1218, C.A.; [1965] 1 W.L.R. 445, H.L.(E.)

s. 31: Iveagh *v.* Minister of Housing and Local Government [1964] 1 Q.B. 395; [1963] 3 W.L.R. 974, C.A.

s. 31 (6): Hartnell *v.* Minister of Housing and Local Government [1963] 1 W.L.R. 1141; [1964] 2 Q.B. 510; [1964] 2 W.L.R. 425, C.A.; [1965] A.C. 1134; [1965] 2 W.L.R. 474, H.L.(E.)

s. 32 (1): George Cohen 600 Group Ltd. *v.* Minister of Housing and Local Government [1961] 1 W.L.R. 944, D.C.

s. 37 (1): Reg. *v.* Bradford-on-Avon Urban District Council, *Ex parte* Boulton [1964] 1 W.L.R. 1136, D.C.

ss. 39 (1) (2), 40 (1) (2), 41 (1) (2): Bolton Corpn. *v.* Owen [1962] 1 Q.B. 470; [1962] 2 W.L.R. 307, C.A.

ss. 39, 40, 41, 43: Essex Incorporated Congregational Church Union *v.* Essex County Council [1962] 2 Q.B. 613; [1962] 3 W.L.R. 306, C.A.; [1963] A.C. 808; [1963] 2 W.L.R. 802, H.L.(E.)

Street Offences Act (7 & 8 Eliz. 2, c. 57)—

s. 1 (1): Weisz *v.* Monahan [1962] 1 W.L.R. 262, D.C.

Fatal Accidents Act (7 & 8 Eliz. 2, c. 65)—

s. 2 (1): Malyon *v.* Plummer [1963] 1 Q.B. 419; [1962] 3 W.L.R. 1378; [1964] 1 Q.B. 330; [1963] 2 W.L.R. 1213, C.A.

Obscene Publications Act (7 & 8 Eliz. 2, c. 66)—

ss. 1 (1), 4: Reg. *v.* Calder & Boyars Ltd. [1969] 1 Q.B. 151; [1968] 3 W.L.R. 974, C.A.

ss. 1 (2) (3) (*b*), 2 (1), 3 (1): Straker *v.* Director of Public Prosecutions [1963] 1 Q.B. 926; [1963] 2 W.L.R. 598, D.C.

ss. 1, 2 (4): Shaw *v.* Director of Public Prosecutions [1962] A.C. 220; [1961] 2 W.L.R. 897, C.C.A. and H.L.(E.)

ss. 1, 4: John Calder (Publications) Ltd. *v.* Powell [1965] 1 Q.B. 509; [1965] 2 W.L.R. 138, D.C.

s. 2: Reg. *v.* Barker [1962] 1 W.L.R. 349, C.C.A.
Reg. *v.* Clayton and Halsey [1963] 1 Q.B. 163; [1962] 3 W.L.R. 815, C.C.A.

ss. 2 (1), 4: Director of Public Prosecutions *v.* A. and B. C. Chewing Gum Ltd. [1968] 1 Q.B. 159; [1967] 3 W.L.R. 493, C.A.

s. 3: Burke *v.* Copper [1962] 1 W.L.R. 700, D.C.

s. 3 (1) (3) (7): Morgan *v.* Bowker [1964] 1 Q.B. 507; [1963] 2 W.L.R. 860, D.C.

Factories Act (7 & 8 Eliz. 2, c. 67)—

s. 4: Braham *v.* J. Lyons & Co. Ltd. [1962] 1 W.L.R. 1048, C.A.

s. 5: Ross *v.* Associated Portland Cement Manufacturers Ltd. [1964] 1 W.L.R. 768, H.L.(E.)

Mental Health Act (7 & 8 Eliz. 2, c. 72)—

s. 4: Reg. *v.* Hudson [1966] 1 Q.B. 448; [1965] 2 W.L.R. 604, C.C.A.

s. 4 (1): Balloqui *v.* Balloqui [1964] 1 W.L.R. 82, C.A.

ss. 19, 20 (1): Retarded Children's Aid Society Ltd. *v.* Barnet London Borough Council [1969] 2 Q.B. 22; [1969] 2 W.L.R. 65, D.C.

s. 60: Reg. *v.* Morris [1961] 2 Q.B. 237; [1961] 2 W.L.R. 986, C.C.A.
Reg. *v.* Marsden (Practice Note) [1968] 1 W.L.R. 785, C.A.

ss. 60, 65: Reg. *v.* Gardiner [1967] 1 W.L.R. 464, C.A.

ss. 60, 65, 66: Reg. *v.* McNaney [1969] 1 W.L.R. 623, C.A.

ss. 60, 65, 72: Reg. *v.* Cox (Maurice) [1968] 1 W.L.R. 308, C.A.

s. 102 (1): *In re* D. M. L. [1965] Ch. 1133; [1965] 3 W.L.R. 740

ss. 102 (1) (*a*), 103: *In re* C. L. [1969] 1 Ch. 587; [1968] 2 W.L.R. 1275

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ss. 102, 103 (1): *In re* W. (E. E. M.) [1970] 3 W.L.R. 87, Ct. of Protection
s. 103 (1) (*d*): *In re* C. M. G. [1970] Ch. 574; [1970] 3 W.L.R. 80, Ct. of Protection
s. 103 (1) (*dd*) (as amended): Practice Direction (Court of Protection: Wills) [1970] 1 W.L.R. 259
ss. 103 (1) (*d*) (*dd*) (3), 103A (as amended): Practice Note (Court of Protection: Property) [1970] 1 W.L.R. 228
s. 103 (4): *In re* R.H.C. [1963] 1 W.L.R. 1095.
s. 141 (2): Moore *v.* Comr. of Metropolitan Police [1968] 1 Q.B. 26; [1967] 3 W.L.R. 572, C.A.

Legitimacy Act (7 & 8 Eliz. 2, c. 73)—
Devenport *v.* Devenport and Charnley [1965] 1 W.L.R. 91, C.A.
s. 1: *In re* Brodie, decd. [1967] Ch. 818; [1967] 2 W.L.R. 1379
s. 2: Sheward *v.* Attorney-General [1964] 1 W.L.R. 724
Hawkins *v.* Attorney-General [1966] 1 W.L.R. 978
s. 3: *In re* Adoption Application 41/61 (No. 2) [1964] Ch. 48; [1963] 3 W.L.R. 357
In re O. (An Infant) [1965] Ch. 23; [1964] 2 W.L.R. 840, C.A.
s. 4: Gaines *v.* W. (An Infant) [1968] 1 Q.B. 782; [1968] 2 W.L.R. 139, D.C.

1960 **Road Traffic Act** (8 & 9 Eliz. 2, c. 16)—
s. 1: Reg. *v.* Evans [1963] 1 Q.B. 412; [1962] 3 W.L.R. 1457, C.C.A.
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s. 1 (1): Reg. *v.* Gould [1964] 1 W.L.R. 145
ss. 1, 6: Reg. *v.* McBride [1962] 2 Q.B. 167; [1961] 3 W.L.R. 549, C.C.A.
s. 2: Hargreaves *v.* Alderson [1964] 2 Q.B. 159; [1963] 2 W.L.R. 31
Reg. *v.* Scully [1966] 1 W.L.R. 1294, C.C.A.
ss. 2, 3: Watmore *v.* Jenkins [1962] 2 Q.B. 572; [1962] 3 W.L.R. 463, D.C.
s. 3: Jones *v.* Metcalfe [1967] 1 W.L.R. 1286, D.C.
s. 3 (1): Reg. *v.* Cox [1963] A.C. 48; [1962] 2 W.L.R. 126
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ss. 3 (1), 257 (1): Cox *v.* Army Council [1963] A.C. 48; [1962] 2 W.L.R. 950, H.L.(E.)
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s. 6: Reg. *v.* Davies [1962] 1 W.L.R. 1111, Ct.-M.A.C.
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s. 6 (2): Morton *v.* Confer [1963] 1 W.L.R. 763, D.C.
s. 6 (4): Wiltshire *v.* Barrett [1966] 1 Q.B. 312; [1965] 2 W.L.R. 1195, C.A.
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s. 14: Ryan *v.* Smith [1967] 2 Q.B. 893; [1967] 2 W.L.R. 390, D.C.
ss. 20 (5), 37 (5): Royal *v.* Prescott-Clarke [1966] 1 W.L.R. 788, D.C.
s. 24, Sch. 1, para. 1: Maddox *v.* Storer [1963] 1 Q.B. 451; [1962] 2 W.L.R. 958, D.C.
s. 25: Aitken *v.* Yarwood [1965] 1 Q.B. 327; [1964] 3 W.L.R. 64, D.C.
s. 26: James *v.* Cavey [1967] 2 Q.B. 676; [1967] 2 W.L.R. 1239, D.C.
s. 34 (1), Sch. 4, paras. 15, 16: Levinson *v.* Powell [1967] 1 W.L.R. 1472, D.C.
ss. 35, 232 (2) (*b*): Bingham *v.* Bruce [1962] 1 W.L.R. 70, D.C.
s. 46: Burns *v.* Bidder [1967] 2 Q.B. 227; [1966] 3 W.L.R. 99, D.C.
s. 48 (1): Hoy *v.* Smith [1964] 1 W.L.R. 1377, D.C.
s. 52: Cooper *v.* Hall [1968] 1 W.L.R. 360, D.C
Levine *v.* Morris [1970] 1 W.L.R. 71, C.A.
s. 64: Amalgamated Roadstone Corpn. Ltd. *v.* Bond [1963] 1 W.L.R. 618, D.C.
John Henshall (Quarries) Ltd. *v.* Harvey [1965] 2 Q.B. 233; [1965] 2 W.L.R. 758, D.C.
Saines *v.* Woodhouse [1970] 1 W.L.R. 961, D.C.
s. 64 (1) (2) (as amended): Beighton *v.* Brown [1965] 1 W.L.R. 553, D.C.
ss. 64, 232 (1) (*a*) (*e*), (2) (*a*), 239: Rathbone *v.* Bundock [1962] 2 Q.B. 260; [1962] 2 W.L.R. 1066
ss. 64 (1) (2) (4), 239: Siddle C. Cook Ltd. *v.* Holden [1963] 1 Q.B. 248; [1962] 3 W.L.R. 1448, D.C.
s. 64 (2): Bason *v.* Vipond [1962] 1 W.L.R. 271, D.C.
Hughes & Co. (Carlisle) Ltd. *v.* Hyde [1963] 2 Q.B. 757; [1963] 2 W.L.R. 381, D.C.
Windle *v.* Dunning & Son Ltd. [1968] 1 W.L.R. 552, D.C.
s. 64 (2) (as amended): George Cohen 600 Group Ltd. *v.* Hird [1970] 1 W.L.R. 1226, D.C.
ss. 65, 66, 236: Murphy *v.* Griffiths [1967] 1 W.L.R. 333, D.C.
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ss. 73, 186: Reg. *v.* Blamires Transport Services Ltd. [1964] 1 Q.B. 278; [1963] 3 W.L.R. 496, C.C.A.
s. 73 (1) (*c*) (ii): Grays Haulage Co. Ltd. *v.* Arnold [1966] 1 W.L.R. 534, D.C.
ss. 73 (1) (*c*) (4), 186 (1) (*a*): Witchell *v.* Abbott [1966] 1 W.L.R. 852
s. 73 (1) (4): Potter *v.* Gorbould [1970] 1 Q.B. 238; [1969] 3 W.L.R. 810, D.C.

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s. 77 (1): Lee *v.* Knapp [1967] 2 Q.B. 442; [1967] 2 W.L.R. 6, D.C.
ss. 77, 232 (2) (3): Neal *v.* Fior [1968] 1 W.L.R. 1875, D.C.
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ss. 100, 103: Reg. *v.* Cardiff Justices, *Ex parte* Cardiff Corpn. [1962] 2 Q.B. 436; [1962] 2 W.L.R. 771, D.C.
s. 100 (1) (2): Devon County Council *v.* Hawkins [1967] 2 Q.B. 26; [1967] 2 W.L.R. 285, D.C.
ss. 104 (3), 110: Hunter *v.* Coombs [1962] 1 W.L.R. 573, D.C.
s. 106: Reg. *v.* Shirley [1969] 1 W.L.R. 1357, C.A.
s. 106 (2) (as amended): Reg. *v.* Lambeth Metropolitan Magistrate, *Ex parte* Everett [1968] 1 Q.B. 446; [1967] 3 W.L.R. 1027, D.C.
s. 110: Reg. *v.* Furlong [1962] 2 Q.B. 161; [1962] 2 W.L.R. 796, C.C.A.
s. 110 (as amended): Reg. *v.* Gibbs [1965] 2 Q.B. 281; [1964] 3 W.L.R. 1272, C.C.A.
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s. 117 (1): Maddox *v.* Storer [1963] 1 Q.B. 451; [1962] 2 W.L.R. 958, D.C.
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s. 134 (3): G. Newton Ltd. *v.* Smith [1962] 2 Q.B. 278; [1962] 2 W.L.R. 926, D.C.
s. 151: Gore *v.* Van Der Lann [1967] 2 Q.B. 31; [1967] 2 W.L.R. 358, C.A.
s. 164: Ready Mixed Concrete (East Midlands) Ltd. *v.* Yorkshire Traffic Area Licensing Authority [1970] 2 Q.B. 397; [1970] 2 W.L.R. 627, D.C.
s. 164 (1), Sch. 13, para. 1: J. M. Knowles Ltd. *v.* Rand [1962] 1 W.L.R. 893, D.C.
ss. 164 (5) (*a*), 168 (3): Hammond *v.* Hall & Ham River Ltd. [1965] 1 W.L.R. 180, D.C.; [1965] A.C. 1049; [1965] 3 W.L.R. 337, H.L.(E.)
ss. 172 (2) (*a*) (*b*), 174 (4) (*b*), 178 (1) (*d*), 190 (1): Munson *v.* British Railways Board [1966] 1 Q.B. 813; [1965] 3 W.L.R. 781, C.A.
s. 174: Merchandise Transport Ltd. *v.* British Transport Commission [1962] 2 Q.B. 173; [1961] 3 W.L.R. 1358, C.A.; Arnold Transport (Rochester) Ltd. *v.* British Transport Commission [1963] 1 Q.B. 457; [1961] 3 W.L.R. 1358, C.A.
s. 178 (1) (*b*): *In re* R. Hampton & Sons [1966] 1 Q.B. 135; [1965] 3 W.L.R. 576, C.A.
s. 186: Gross Cash Registers Ltd. *v.* Vogt [1967] 2 Q.B. 77; [1966] 2 W.L.R. 470, D.C.
Series *v.* Poole [1969] 1 Q.B. 676; [1968] 2 W.L.R. 261, D.C.
Wurzal *v.* W. G. A. Robinson (Express Haulage) Ltd. [1969] 1 W.L.R. 996, D.C.
s. 191 (1), Sch. 1, paras. 1, 2: Flower Freight Co. Ltd. *v.* Hammond [1963] 1 Q.B. 275; [1962] 3 W.L.R. 1331, D.C.
s. 201: Taylor *v.* Allon [1966] 1 Q.B. 304; [1965] 2 W.L.R. 598, D.C.
s. 201 (1) (2): Boss *v.* Kingston [1963] 1 W.L.R. 99, D.C.
ss. 201, 203 (3) (*a*), 205, 207: Hardy *v.* Motor Insurers' Bureau [1964] 2 Q.B. 745; [1964] 3 W.L.R. 433, C.A.
ss. 201, 253 (1): Smart *v.* Allan [1963] 1 Q.B. 291; [1962] 3 W.L.R. 1325, D.C.
ss. 203 (3) (*a*), 257: Randall *v.* Motor Insurers' Bureau [1968] 1 W.L.R. 1900
s. 203 (4) (*a*), proviso: Connell *v.* Motor Insurers' Bureau [1969] 2 Q.B. 494; [1969] 3 W.L.R. 231, C.A.
s. 203 (4) (*b*): Vandyke *v.* Fender [1969] 2 Q.B. 581; [1969] 3 W.L.R. 217; [1970] 2 Q.B. 292; [1970] 2 W.L.R. 929, C.A.
s. 206: Liverpool Corpn. *v.* T. & H. R. Roberts [1965] 1 W.L.R. 938
s. 207 (3): Fire Auto and Marine Insurance Co. Ltd. *v.* Greene [1964] 2 Q.B. 687; [1964] 3 W.L.R. 319
Gurtner *v.* Circuit [1968] 2 Q.B. 587; [1968] 2 W.L.R. 668, C.A.
s. 217: Reg. *v.* Wibberley [1966] 2 Q.B. 214; [1966] 2 W.L.R. 1, C.C.A.
Bell *v.* Ingham [1969] 1 Q.B. 563; [1968] 3 W.L.R. 401, D.C.
s. 217 (1): Reg. *v.* Roberts [1965] 1 Q.B. 85; [1964] 3 W.L.R. 180, C.C.A.
Tolley *v.* Giddings [1964] 2 Q.B. 354; [1964] 2 W.L.R. 471, D.C.
s. 223: Reg. *v.* Waterfield [1964] 1 Q.B. 164; [1963] 3 W.L.R. 946, C.C.A.
s. 232 (2) (*a*): Record Tower Cranes Ltd. *v.* Gisbey [1969] 1 W.L.R. 148, D.C.
Nelms *v.* Roe [1970] 1 W.L.R. 4, D.C.
s. 235 (2) (*a*): Reg. *v.* Cummerson [1968] 2 Q.B. 534; [1968] 2 W.L.R. 1486, C.A.
s. 241: Hosier *v.* Goodall [1962] 2 Q.B. 401; [1962] 2 W.L.R. 157, D.C.
s. 241 (2): Sulston *v.* Hammond [1970] 1 W.L.R. 1164, D.C.
s. 241 (2) (*c*) (as amended): Burt *v.* Kirkcaldy [1965] 1 W.L.R. 474, D.C.
s. 253 (1) (2): Burns *v.* Currell [1963] 2 Q.B. 433; [1963] 2 W.L.R. 1106, D.C.
s. 253 (1) (6), Sch. 1 (as amended): Millard *v.* Turvey [1968] 2 Q.B. 390; [1968] 2 W.L.R. 1192, D.C.
s. 253 (4) (as amended): Brown *v.* Anderson [1965] 1 W.L.R. 528, D.C.
Sch. 1, para. 14: Popperwell *v.* Cockerton [1968] 1 W.L.R. 438, D.C.

Indecency with Children Act (8 & 9 Eliz. 2, c. 33)—
s. 1 (1): Reg. *v.* Assistant Recorder of Kingston-upon-Hull, *Ex parte* Morgan [1969] 2 Q.B. 58; [1969] 2 W.L.R. 246, D.C.
Director of Public Prosecutions *v.* Burgess [1970] 3 W.L.R. 805, D.C.

Ghana (Consequential Provision) Act (8 & 9 Eliz. 2, c. 41)—
s. 1 (1): Gohoho *v.* Guinea Press Ltd. [1963] 1 Q.B. 948; [1962] 3 W.L.R. 1471, C.A.
Reg. *v.* Governor of Brixton Prison, *Ex parte* Armah [1968] A.C. 192; [1966] 3 W.L.R. 23, D.C.

1960 **Finance Act** (8 & 9 Eliz. 2, c. 44)—
ss. 25 (1), 43 (4): General Reinsurance Co. Ltd. *v.* Tomlinson [1970] 1 W.L.R. 566
s. 28: Inland Revenue Comrs. *v.* Brebner [1967] 2 A.C. 18; [1967] 2 W.L.R. 1001, H.L.(Sc.)
Inland Revenue Comrs. *v.* Kleinwort Benson Ltd. [1969] 2 Ch. 221; [1969] 2 W.L.R. 696
Wiseman *v.* Borneman [1968] Ch. 334; [1967] 3 W.L.R. 1372; [1968] Ch. 429; [1968] 2 W.L.R. 320, C.A.; [1969] 3 W.L.R. 706, H.L.(E.)
s. 28 (1) (2): Greenberg *v.* Inland Revenue Comrs. [1969] 3 W.L.R. 883; [1970] 2 W.L.R. 362, C.A.
ss. 28 (1) (2) (3), 43 (4): Inland Revenue Comrs. *v.* Horrocks [1968] 1 W.L.R. 1809
ss. 28, 43 (4): Inland Revenue Comrs. *v.* Cleary [1965] Ch. 1098; [1965] 3 W.L.R. 219; [1966] Ch. 365; [1966] 2 W.L.R. 790, C.A.; [1968] A.C. 766; [1967] 2 W.L.R. 1271, H.L.(E.)
Inland Revenue Comrs. *v.* Parker [1965] Ch. 866; [1964] 3 W.L.R. 1121; [1965] Ch. 1098; [1965] 2 W.L.R. 1141, C.A.; [1966] A.C. 141; [1966] 2 W.L.R. 486, H.L.(E.)
Inland Revenue Comrs. *v.* Brook [1968] Ch. 255; [1967] 3 W.L.R. 1320
Hague *v.* Inland Revenue Comrs. [1969] 1 Ch. 393; [1968] 2 W.L.R. 825; [1968] 3 W.L.R. 576, C.A.
ss. 37 (1), 38 (3): Parsons *v.* B.N.M. Laboratories Ltd. [1964] 1 Q.B. 95; [1963] 2 W.L.R. 1273, C.A.
s. 38 (3): Bold *v.* Brough, Nicholson & Hall Ltd. [1964] 1 W.L.R. 201
Ellis *v.* Lucas [1967] Ch. 858; [1966] 3 W.L.R. 382
ss. 47, 48, 56: Dawes *v.* Inland Revenue Comrs. [1965] 1 W.L.R. 323
ss. 51, 53, 63 (3): Harrison *v.* Willis Bros. [1966] Ch. 619; [1965] 2 W.L.R. 617; [1966] Ch. 619; [1966] 2 W.L.R. 183, C.A.

Matrimonial Proceedings (Magistrates' Courts) Act (8 & 9 Eliz. 2, c. 48)—
Practice Direction (Divisional Court: Urgent Appeals) [1969] 1 W.L.R. 1163
s. 1 (1): Hall *v.* Hall [1962] 1 W.L.R. 478, 1246, C.A.
Waters *v.* Waters [1968] P. 401; [1968] 2 W.L.R. 987, D.C.
ss. 1 (1), 2 (1): Northrop *v.* Northrop [1968] P. 74; [1967] 3 W.L.R. 907, C.A.
ss. 1 (1), 4 (1): Vaughan *v.* Vaughan [1965] P. 15; [1963] 3 W.L.R. 964, D.C.
ss. 1 (1), 4 (1), 6: Robbins *v.* Robbins [1970] 3 W.L.R. 767, D.C.
ss. 1, 2: Young *v.* Young [1964] P. 152; [1962] 3 W.L.R. 946
ss. 1, 2, 8: *In re* K. (K. S. J.) (An Infant) [1966] 1 W.L.R. 1241
s. 2: Hearn *v.* Hearn [1969] 1 W.L.R. 1832, D.C.
s. 2 (1) (*a*): Wall *v.* Wall [1968] 1 W.L.R. 306, D.C.
s. 2 (1) (*b*): Courtney *v.* Courtney [1968] P. 523; [1966] 2 W.L.R. 524, D.C.
Roberts *v.* Roberts (1968) [1970] P. 1; [1968] 3 W.L.R. 1181, D.C.
s. 2 (1) (*d*): Wild *v.* Wild [1969] P. 33; [1968] 3 W.L.R. 1148, D.C.
s. 2 (1) (5): Bowlas *v.* Bowlas [1965] P. 450; [1965] 3 W.L.R. 593, C.A.
s. 2 (5): Roberts *v.* Roberts [1962] P. 212; [1962] 3 W.L.R. 448
Dixon *v.* Dixon [1968] 1 W.L.R. 167, D.C.
ss. 2 (5), 16 (1): Caller *v.* Caller [1968] P. 39; [1966] 3 W.L.R. 437, D.C.
ss. 2, 16 (1): Bowlas *v.* Bowlas [1965] P. 440; [1965] 2 W.L.R. 1133, D.C.
s. 6 (1): Bould *v.* Bould [1968] P. 262; [1967] 3 W.L.R. 825, D.C.
s. 8 (1): Stead *v.* Stead [1968] P. 538; [1968] 2 W.L.R. 1269, D.C.
s. 16: Reincke *v.* Gray [1964] 1 W.L.R. 832, C.A.
s. 16 (1) (*b*): Kirkwood *v.* Kirkwood [1970] 1 W.L.R. 1042, D.C.

Charities Act (8 & 9 Eliz. 2, c. 58)—
s. 14: *In re* Henry Wood National Memorial Trust [1966] 1 W.L.R. 1601
s. 22 (2): *In re* London University's Charitable Trusts [1964] Ch. 282; [1963] 3 W.L.R. 1031
s. 28: *In re* Belling, decd. [1967] Ch. 425; [1967] 2 W.L.R. 382

Betting and Gaming Act (8 & 9 Eliz. 2, c. 60)—
ss. 2, 3, 28, Sch. 1, para. 17: Dungate *v.* Lee [1969] 1 Ch. 545; [1967] 2 W.L.R. 670
s. 5, Sch. 2, para. 2: Mallon *v.* Allon [1964] 1 Q.B. 385; [1963] 3 W.L.R. 1053, D.C.
s. 6 (1): Bland *v.* Cowan [1963] 2 Q.B. 735; [1963] 2 W.L.R. 1049, D.C.
s. 16: Rogers *v.* Cowley [1962] 1 W.L.R. 770, D.C.
s. 16 (7) (*b*): J. M. Allan (Merchandising) Ltd. *v.* Cloke [1963] 2 Q.B. 340; [1963] 2 W.L.R. 899, C.A.
Quinn *v.* Mackinnon [1963] 1 Q.B. 874; [1963] 2 W.L.R. 391, D.C.
Kelland *v.* Raymond [1964] 2 Q.B. 108; [1964] 2 W.L.R. 662, D.C.
Mills *v.* Mackinnon [1964] 2 Q.B. 96; [1964] 2 W.L.R. 363, D.C.
ss. 17 (2) (*b*), 28: Rosenbaum *v.* Burgoyne [1965] A.C. 430; [1964] 3 W.L.R. 277, D.C. and H.L.(E.)
s. 17 (2) (*c*): Cookson *v.* Bowles [1962] 1 W.L.R. 754, D.C.
ss. 21, 28: Director of Public Prosecutions *v.* Regional Pool Promotions Ltd. [1964] 2 Q.B. 244; [1964] 2 W.L.R. 209, D.C.
ss. 21, 28: Director of Public Prosecutions *v.* Armstrong [1965] A.C. 1262; [1965] 2 W.L.R. 765, D.C.; [1965] A.C. 1262; [1965] 3 W.L.R. 344, H.L.(E.)
s. 24: Hewison *v.* Skegness Urban District Council [1963] 1 Q.B. 584; [1963] 2 W.L.R. 141

1960 **Betting and Gaming Act**—*continued.*

Sch. 1, para. 6: Reg. *v.* Westminster Betting Licensing Committee, *Ex parte* Peabody Donation Fund [1963] 2 Q.B. 750; [1963] 2 W.L.R. 1402, D.C.

Caravan Sites and Control of Development Act (8 & 9 Eliz. 2, c. 62)—

ss. 1 (3), 17 (3): Munnich *v.* Godstone Rural District Council [1966] 1 W.L.R. 427, C.A.

ss. 1 (4), 13 (*a*), 17 (3): Reg. *v.* Axbridge Rural District Council, *Ex parte* Wormald [1964] 1 W.L.R. 442, C.A.

ss. 1 (4), 17 (2): Hartnell *v.* Minister of Housing and Local Government [1964] 2 Q.B. 510; [1964] 2 W.L.R. 425, C.A.; [1965] A.C. 1134; [1965] 2 W.L.R. 474, H.L.(E.)

ss. 1, 13, 17: Biss *v.* Smallburgh Rural District Council [1963] 1 W.L.R. 1155; [1965] Ch. 335; [1964] 3 W.L.R. 88, C.A.

ss. 1, 17: Chelmsford Rural District Council *v.* Powell [1963] 1 W.L.R. 123, D.C.

ss. 3, 5, 7, 17, 29 (4): Reg. *v.* Kent Justices, *Ex parte* Crittenden [1964] 1 Q.B. 144; [1963] 2 W.L.R. 1124, D.C.

s. 5 (1): Mixnam's Properties Ltd. *v.* Chertsey Urban District Council [1964] 1 Q.B. 214; [1963] 3 W.L.R. 38, C.A.; [1965] A.C. 735; [1964] 2 W.L.R. 1210, H.L.(E.)

ss. 5 (1) (*a*) (6), 7, 17: Esdell Caravan Parks Ltd. *v.* Hemel Hempstead Rural District Council [1966] 1 Q.B. 895; [1965] 3 W.L.R. 1238, D.C. and C.A.

s. 8 (2): Peters *v.* Yiewsley and West Drayton Urban District Council [1963] 2 Q.B. 133; [1963] 2 W.L.R. 702, D.C.

ss. 14, 50 (4): Hare *v.* Gocher [1962] 2 Q.B. 641; [1962] 3 W.L.R. 339, D.C.

s. 17: Crittenden (Warren Park) Ltd. *v.* Surrey County Council [1966] 1 W.L.R. 25

s. 17 (1) (3): James *v.* Minister of Housing and Local Government [1966] 1 W.L.R. 135, C.A.; [1968] A.C. 409; [1967] 1 W.L.R. 171, H.L.(E.)

s. 17 (2): Hartnell *v.* Minister of Housing and Local Government [1963] 1 W.L.R. 1141

s. 33: Findlow *v.* Lewis [1963] 1 Q.B. 151; [1962] 3 W.L.R. 429, D.C.
Gregson *v.* Cyril Lord Ltd. [1963] 1 W.L.R. 41, C.A.
Nelsovil Ltd. *v.* Minister of Housing and Local Government [1962] 1 W.L.R. 404, D.C.

s. 33 (2) (5) (6): Miller-Mead *v.* Minister of Housing and Local Government [1962] 2 Q.B. 555; [1962] 3 W.L.R. 654, D.C.; [1963] 2 Q.B. 196; [1963] 2 W.L.R. 225, C.A.

s. 34: Bendles Motors Ltd. *v.* Bristol Corpn. [1963] 1 W.L.R. 247, D.C.

s. 34 (1): Hoser *v.* Minister of Housing and Local Government [1963] Ch. 428; [1962] 3 W.L.R. 1337

Building Societies Act (8 & 9 Eliz. 2, c. 64)—

s. 8 (3): Musson *v.* Emile [1964] 1 W.L.R. 337

s. 35 (1): Royal Mutual Benefit Building Society *v.* Sharman [1963] 1 W.L.R. 581

Administration of Justice Act (8 & 9 Eliz. 2, c. 65)—

s. 1: Reg. *v.* Daines [1961] 1 W.L.R. 52, C.C.A.

s. 1 (2): Gelberg *v.* Miller [1961] 1 W.L.R. 459, H.L.(E.)
Practice Direction (House of Lords: Petitions) [1970] 1 W.L.R. 1218, H.L.

ss. 1 (2), 15 (3): Zacharia *v.* Republic of Cyprus [1963] A.C. 634; [1962] 2 W.L.R. 1163, D.C. and H.L.(E.)

ss. 1, 15: Practice Directions (Administration of Justice Act, 1960) [1962] 1 W.L.R. 270, H.L.(E.)

ss. 1, 18, Sch. II: Attorney-General for Northern Ireland *v.* Gallagher [1963] A.C. 349; [1961] 3 W.L.R. 619, H.L.(N.I.)

s. 13: Brown *v.* Crowley [1963] 1 W.L.R. 1102, C.A.
Southam *v.* Smout [1964] 1 Q.B. 308; [1963] 3 W.L.R. 606, C.A.
Crowley *v.* Brown [1964] 1 W.L.R. 147, C.A.
B. (B. P. M.) *v.* B. (M. M.) [1969] P. 103; [1969] 2 W.L.R. 862, D.C.

s. 13 (1): Practice Direction (Contempt) (1961) L.R. 2 R.P. 230; [1961] 1 W.L.R. 560; Practice Directions [1961] 1 W.L.R. 551; [1961] 1 W.L.R. 339

s. 13 (2) (*b*): *In re* Rudkin-Jones (A Bankrupt), *Ex parte* The Bankrupt *v.* The Trustee of the Property of the Bankrupt [1964] 1 W.L.R. 1470

s. 14 (2): *Ex parte* Schtraks [1964] 1 Q.B. 191; [1962] 3 W.L.R. 1435, D.C.
In re Kray [1965] Ch. 736; [1965] 2 W.L.R. 626

s. 16 (1): Reg. *v.* Bullock [1964] 1 Q.B. 481; [1963] 3 W.L.R. 911, C.C.A.

1961 **Sierra Leone Independence Act** (9 & 10 Eliz. 2, c. 16)—

Buck *v.* Attorney-General [1965] Ch. 745; [1964] 3 W.L.R. 850; [1965] Ch. 745; [1965] 2 W.L.R. 1033, C.A.

Land Compensation Act (9 & 10 Eliz. 2, c. 33)—

Square Grip Reinforcement Co. (London) Ltd. *v.* Rowton Houses Ltd. [1967] Ch. 877; [1967] 2 W.L.R. 160

ss. 1, 14 (1), 16 (3): Harrison *v.* Croydon London Borough Council [1968] Ch. 479; [1967] 3 W.L.R. 100

s. 5, r. 5: West Midland Baptist (Trust) Association (Inc.) *v.* Birmingham Corpn. [1968] 2 Q.B. 188; [1968] 2 W.L.R. 535, C.A.; [1970] A.C. 874; [1969] 3 W.L.R. 389, H.L.(E.)

s. 5 (6): Lee *v.* Minister of Transport [1966] 1 Q.B. 111; [1965] 3 W.L.R. 553, C.A.

ss. 5, 17, 18: Hull and Humber Investment Co. Ltd. *v.* Hull Corpn. [1965] 2 Q.B. 145; [1965] 2 W.L.R. 161, C.A.

1961 **Land Compensation Act**—*continued.*
ss. 6 (1), 15, 16, Sch. 1, Pt. I: Camrose (Viscount) *v.* Basingstoke Corpn. [1966] 1 W.L.R. 1100, C.A.
ss. 17 (4), 22 (2): Jelson Ltd. *v.* Minister of Housing and Local Government [1970] 1 Q.B. 243; [1969] 3 W.L.R. 282, C.A.

Factories Act (9 & 10 Eliz. 2, c. 34)—
s. 5 (1) (2): Lane *v.* Gloucester Engineering Co. Ltd. [1967] 1 W.L.R. 767, C.A.
ss. 5 (1), 28 (1): Thornton *v.* Fisher & Ludlow Ltd. [1968] 1 W.L.R. 655, C.A.
s. 14: Millard *v.* Serck Tubes Ltd. [1969] 1 W.L.R. 211, C.A.
s. 14 (1): Woodley *v.* Meason Freer & Co. Ltd. [1963] 1 W.L.R. 1409, D.C.
Cross *v.* Midland and Low Moor Iron and Steel Co. Ltd. [1965] A.C. 343; [1964] 2 W.L.R. 1365, D.C.; [1965] A.C. 343; [1964] 3 W.L.R. 1180, H.L.(E.)
Allen *v.* Aeroplane and Motor Aluminium Castings Ltd. [1965] 1 W.L.R. 1244, C.A.
Liptrot *v.* British Railways Board [1966] 2 Q.B. 353; [1966] 2 W.L.R. 841, C.A.; [1969] 1 A.C. 136; [1967] 3 W.L.R. 770, H.L.(E.)
Leach *v.* Standard Telephones & Cables Ltd. [1966] 1 W.L.R. 1392
Johnson *v.* F. E. Callow (Engineers) Ltd. [1970] 2 Q.B. 1; [1970] 2 W.L.R. 257, C.A.; [1970] 3 W.L.R. 982, H.L.(E.)
ss. 14, 16: Mitchell *v.* W. S. Westin Ltd. [1965] 1 W.L.R. 297, C.A.
ss. 14 (1), 16: Stanbrook *v.* Waterlow & Sons Ltd. [1964] 1 W.L.R. 825, C.A.
ss. 14, 145, 155 (1) (2): Wright *v.* Ford Motor Co. Ltd. [1967] 1 Q.B. 230; [1966] 3 W.L.R. 112
s. 20: Denyer *v.* Charles Skipper and East Ltd. [1970] 1 W.L.R. 1087, C.A.
s. 26 (1) (*a*) (3): Ball *v.* Richard Thomas & Baldwins Ltd. [1968] 1 W.L.R. 192, C.A.
s. 28 (1): Dorman Long (Steel) Ltd. *v.* Bell [1964] 1 W.L.R. 333, H.L.(E.)
Pengelley *v.* Bell Punch Co. Ltd. [1964] 1 W.L.R. 1055, C.A.
Jenkins *v.* Allied Ironfounders Ltd. [1970] 1 W.L.R. 304, H.L.(Sc.)
ss. 28 (1), 175 (1) (6): Powley *v.* Bristol Siddeley Engines Ltd. [1966] 1 W.L.R. 729
s. 29 (1): Nimmo *v.* Alexander Cowan & Sons Ltd. [1968] A.C. 107; [1967] 3 W.L.R. 1169, H.L.(Sc.)
s. 127 (4): Fisher *v.* C.H.T. Ltd. (No. 2) [1966] 2 Q.B. 475; [1966] 2 W.L.R. 391, C.A.
s. 175 (1): Haygarth *v.* J. & F. Stone Lighting & Radio Ltd. [1966] 1 Q.B. 91; [1965] 3 W.L.R. 316, D.C.; [1968] A.C. 157; [1966] 3 W.L.R. 879, H.L.(E.)
s. 176: British Transport Docks Board *v.* Williams [1970] 1 W.L.R. 652, D.C.

Criminal Justice Act (9 & 10 Eliz. 2, c. 39)—
Reg. *v.* Bingham [1968] 1 W.L.R. 1836, C.A.
ss. 1 (2), 3 (1): Reg. *v.* Lowe (Practice Note) [1964] 1 W.L.R. 609, C.C.A.
s. 3: Reg. *v.* Lamb (Alan Peter) [1968] 2 Q.B. 829; [1968] 3 W.L.R. 833, C.A.
s. 3 (1) (3): Reg. *v.* Hughes [1968] 1 W.L.R. 560, C.A.
ss. 3, 38 (4): Reg. *v.* Scully [1966] 1 W.L.R. 1294, C.C.A.
ss. 12 (1), 32, 38 (2): Reg. *v.* Welsh [1968] 1 Q.B. 702; [1968] 2 W.L.R. 31, C.A.

Rating and Valuation Act (9 & 10 Eliz. 2, c. 45)—
s. 11 (1): Wynn *v.* Skegness Urban District Council [1967] 1 W.L.R. 52
s. 11 (1) (*a*): Soldiers', Sailors' and Airmen's Families Association *v.* Merton London Borough Council [1966] 1 W.L.R. 736; [1967] 1 W.L.R. 127, C.A.
Aldous *v.* Southwark London Borough Council [1968] 1 W.L.R. 1671, C.A.
s. 17: Gwynne Trusts Ltd. *v.* Rodwell [1970] 1 W.L.R. 327, H.L.(E.)

Land Drainage Act (9 & 10 Eliz. 2, c. 48)—
s. 40 (1) (4): Pattinson *v.* Finningley Internal Drainage Board [1970] 2 Q.B. 33. [1970] 2 W.L.R. 622

Rivers (Prevention of Pollution) Act (9 & 10 Eliz. 2, c. 50)—
ss. 1 (1) (3) (4), 2 (1), 5 (1) (2) Trent River Authority *v.* F. H. Drabble & Sons Ltd. [1970] 1 W.L.R. 98, D.C.

Suicide Act (9 & 10 Eliz. 2, c. 60)—
s. 1: Reg. *v.* Cardiff City Coroner, *Ex parte* Thomas [1970] 1 W.L.R. 1475, D.C.

Licensing Act (9 & 10 Eliz. 2, c. 61)—
s. 6: Cooper *v.* Rhymney Breweries Ltd. [1965] 1 W.L.R. 1378
ss. 9 (1), 33 (1): Rous De Horsey *v.* Rignell [1963] 1 Q.B. 914; [1963] 2 W.L.R. 162, D.C.
s. 22 (1) (*a*): Vane *v.* Yiannopoullos [1964] 2 Q.B. 739; [1964] 2 W.L.R. 1335, D.C.; [1965] A.C. 486; [1964] 3 W.L.R. 1218, H.L.(E.)
Ross *v.* Moss [1965] 2 Q.B. 396; [1965] 3 W.L.R. 416, D.C.
s. 35 (2) (*a*): Birt *v.* Swansea Justices [1963] 1 W.L.R. 801, D.C.

Trustee Investments Act (9 & 10 Eliz. 2, c. 62)—
In re London University's Charitable Trusts [1964] Ch. 282; [1963] 3 W.L.R. 1031
In re Kolb's Will Trusts [1962] Ch. 531; [1961] 3 W.L.R. 1034
s. 6, Sch. I, Pt. IV, para. 3: *In re* Clarke's Will Trusts [1961] 1 W.L.R. 1471
s. 15: *In re* Cooper's Settlement [1962] Ch. 826; [1961] 3 W.L.R. 1029

1961 **Highways (Miscellaneous Provisions) Act** (9 & 10 Eliz. 2, c. 63)—
s. 1: Meggs *v.* Liverpool Corpn. [1968] 1 W.L.R. 689, C.A.
s. 1 (1) (2) (3): Griffiths *v.* Liverpool Corpn. [1967] 1 Q.B. 374; [1966] 3 W.L.R. 467, C.A.
s. 1 (1) (2) (3) (*d*): Burnside *v.* Emerson [1968] 1 W.L.R. 1490, C.A.

Public Health Act (9 & 10 Eliz. 2, c. 64)—
s. 4 (6): Sunley Homes Ltd. *v.* Borg [1970] 1 Q.B. 115; [1969] 3 W.L.R. 496, D.C.

Housing Act (9 & 10 Eliz. 2, c. 65)—
s. 15 (1) McPhail *v.* Islington London Borough Council [1970] 2 Q.B. 197; [1970] 2 W.L.R. 583, C.A.
ss. 15, 19: Allen *v.* Khan [1968] 1 Q.B. 609; [1967] 3 W.L.R. 1627, D.C.
ss. 15 (1), 16 (1): Holm *v.* Royal Borough of Kensington and Chelsea [1968] 1 Q.B. 646; [1967] 2 W.L.R. 1164, C.A.
ss. 15 (1), 22 (1) (*a*): Okereke *v.* Brent London Borough Council [1967] 1 Q.B. 42; [1966] 2 W.L.R. 169, C.A.

1962 **Local Government (Financial Provisions, etc.) (Scotland) Act** (10 & 11 Eliz. 2, c. 9)—
s. 4 (2) (*a*): Glasgow Corpn. *v.* Johnstone [1965] A.C. 609; [1965] 2 W.L.R. 657, H.L.(Sc.)
Scottish Burial Reform and Cremation Society Ltd. *v.* Glasgow Corpn. [1968] A.C. 138; [1967] 3 W.L.R. 1132, H.L.(Sc.)

Vehicles (Excise) Act (10 & 11 Eliz. 2, c. 13)—
s. 7: Dudley *v.* Holland [1965] 1 Q.B. 31; [1963] 3 W.L.R. 970, D.C.
s. 17 (1): Reg. *v.* Manners-Astley [1967] 1 W.L.R. 1505, C.A.

Commonwealth Immigrants Act (10 & 11 Eliz. 2, c. 21)—
In re Mohamed Arif (An Infant) [1968] Ch. 643; [1968] 2 W.L.R. 1290, Cross J. and C.A.
ss. 1 (1) (2) (3), 2, 18: Reg. *v.* Secretary of State for Home Department, *Ex parte* Bhurosah [1968] 1 Q.B. 266; [1967] 3 W.L.R. 1259, D.C. and C.A.
ss. 1 (1), 2 (1) (*a*), 3, 13, Sch. 1, Pt. I, paras. 1 (1) (2), 2 (1) (3): Reg. *v.* Governor of Brixton Prison, *Ex parte* Ahsan [1969] 2 Q.B. 222; [1969] 2 W.L.R. 618, D.C.
s. 2 (1): Reg. *v.* Secretary of State for Home Affairs, *Ex parte* Harnaik Singh [1969] 1 W.L.R. 835, D.C.
s. 2 (1) (3): Reg. *v.* Chief Immigration Officer Lympne Airport, *Ex parte* Amrik Singh [1969] 1 Q.B. 333; [1968] 3 W.L.R. 945, D.C.
ss. 2 (2) (*a*) (*b*), 3 (1), Sch. 1, para. 1 (1): *In re* H K. (An Infant) [1967] 2 Q.B. 617; [1967] 2 W.L.R. 962, D.C.
s. 2 (3) (*b*): Reg. *v.* Chief Immigration Officer Bradford Airport, *Ex parte* Ashiq Hussain [1970] 1 W.L.R. 9, D.C.
ss. 2, 4, Sch. 1, paras. 1, 2 (6): Qureshi *v.* Harrington [1970] 1 W.L.R. 138, D.C.
ss. 3 (1), 4 (1) (4), Sch. 1, Pt. 1, para. 1: Reg. *v.* Bhagwan [1970] 2 W.L.R. 837, C.A.; [1970] 3 W.L.R. 501, H.L.(E.)
ss. 7 (1) (3), 8 (4): Reg. *v.* Assa Singh [1965] 2 Q.B. 312; [1965] 2 W.L.R. 774, C.C.A.
ss. 7 (2), 8 (1) (3) (4): Reg. *v.* Edgehill [1963] 1 Q.B. 593; [1963] 2 W.L.R. 170, C.C.A.
s. 8 (4): Reg. *v.* Lynch [1966] 1 W.L.R. 92, C.C.A.
ss. 9 (1) (3), 11 (3): Reg. *v.* Kelly (John Michael) [1966] 1 W.L.R. 1556, C.C.A.

Building Societies Act (10 & 11 Eliz. 2, c. 37)—
s. 18: Northern Rock Building Society *v.* Davies [1969] 1 W.L.R. 1742

Town and Country Planning Act (10 & 11 Eliz. 2, c. 38)—
s. 12 (1): Hartley *v.* Minister of Housing and Local Government [1969] 2 Q.B. 46; [1969] 2 W.L.R. 137, D.C.; [1970] 1 Q.B. 413; [1970] 2 W.L.R. 1, C.A.
s. 12 (1) (2): Coleshill & District Investment Co. Ltd. *v.* Minister of Housing and Local Government [1968] 1 W.L.R. 600, C.A.
s. 12 (1) (2) (*f*): G. Percy Trentham *v.* Gloucestershire County Council [1966] 1 W.L.R. 506, C.A.
s. 12 (3): Ealing Corpn. *v.* Ryan [1965] 2 Q.B. 486; [1965] 2 W.L.R. 223, D.C.
ss. 12, 13: Webber *v.* Minister of Housing and Local Government [1968] 2 W.L.R. 29, C.A.
ss. 13 (1), 179 (4) (*b*), 220: Westminster Bank Ltd. *v.* Beverley Borough Council [1970] 2 W.L.R. 645, H.L.(E.)
s. 13 (2): Kingdon *v.* Minister of Housing and Local Government [1968] 1 Q.B. 257; [1967] 3 W.L.R. 990, D.C.
ss. 17, 23: H. Lavender & Son Ltd. *v.* Minister of Housing and Local Government [1970] 1 W.L.R. 1231
ss. 17 (1), 23 (4): Stringer *v.* Minister of Housing and Local Government [1970] 1 W.L.R. 1281
ss. 22, 23: Slough Estates Ltd. *v.* Slough Borough Council [1968] Ch. 299; [1967] 2 W.L.R. 1511
s. 23 (4) (5): Luke *v.* Minister of Housing and Local Government [1968] 1 Q.B. 172; [1967] 2 W.L.R. 623; [1968] 1 Q.B. 172; [1967] 3 W.L.R. 801, C.A.
s. 30 (2) (*a*): Phillips *v.* Minister of Housing and Local Government [1965] 1 Q.B. 156; [1964] 2 W.L.R. 1; [1964] 3 W.L.R. 378, C.A.
s. 38: Camrose (Viscount) *v.* Basingstoke Corpn. [1966] 1 W.L.R. 1100, C.A.

1962 **Town and Country Planning Act**—*continued.*
s. 43 (1): Wells *v.* Minister of Housing and Local Government [1967] 1 W.L.R. 1000, C.A.
Lever Finance Ltd. *v.* Westminster (City) London Borough Council [1970] 3 W.L.R. 732, C.A.
ss. 45 (3), 46: Banbury *v.* Hounslow London Borough Council [1966] 2 Q.B. 204; [1966] 2 W.L.R. 1294, D.C.
ss. 45, 214 (1) (*c*): Moody *v.* Godstone Rural District Council [1966] 1 W.L.R. 1085, D.C.
ss. 45 (3), 221 (1): Courtney-Southan *v.* Crawley Urban District Council [1967] 2 Q.B. 930; [1967] 3 W.L.R. 57, D.C.
s. 143 (1) (*b*): Lee *v.* Minister of Transport [1966] 1 Q.B. 111; [1965] 3 W.L.R. 553, C.A.
s. 179 (4) (*b*): Westminster Bank Ltd. *v.* Beverley Borough Council [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080; [1969] 1 Q.B. 499; [1968] 3 W.L.R. 671, C.A.
s. 180 (1): Green *v.* Minister of Housing and Local Government [1967] 2 Q.B. 606; [1967] 2 W.L.R. 192, D.C.
s. 198: *In re* Associated Portland Cement Manufacturers Ltd.'s Application [1966] Ch. 308; [1965] 3 W.L.R. 1271

Finance Act (10 & 11 Eliz. 2, c. 44)—
s. 6 (3): Warwickshire Publishing Co. Ltd. *v.* Comrs. of Customs and Excise [1969] 1 W.L.R. 240; [1970] 1 W.L.R. 457, C.A.
s. 12 (2), Sch. 9, para. 1: Eastham *v.* Leigh London and Provincial Properties Ltd. [1970] 3 W.L.R. 848

Transport Act (10 & 11 Eliz. 2, c. 46)—
ss. 1, 3 (1), 13 (1) (6) (8), 14 (1): Charles Roberts & Co. Ltd. *v.* British Railways Board [1965] 1 W.L.R. 396

Law Reform (Husband and Wife) Act (10 & 11 Eliz. 2, c. 48)—
National Provincial Bank Ltd. *v.* Hastings Car Mart Ltd. [1965] A.C. 1115; [1965] 3 W.L.R. 1, H.L.(E.)

Air Guns and Shot Guns, etc., Act (10 & 11 Eliz. 2, c. 49)—
s. 1: Gorely *v.* Codd [1967] 1 W.L.R. 19

Landlord and Tenant Act (10 & 11 Eliz. 2, c. 50)—
ss. 1 (1), 2, 4: Shaw *v.* Groom [1970] 2 Q.B. 504; [1970] 2 W.L.R. 299, C.A.

Road Traffic Act (10 & 11 Eliz. 2, c. 59)—
s. 2 (1): Reg. *v.* Sadler [1970] 1 W.L.R. 416, C.A.
s. 2 (1) (4) (5): Reg. *v.* Dooley [1964] 1 W.L.R. 648
s. 2 (2): Reg. *v.* Somers [1963] 1 W.L.R. 1306, C.C.A.
s. 2 (4): Kidd *v.* Kidd [1969] 1 Q.B. 320; [1968] 3 W.L.R. 734, D.C.
Earl *v.* Roy [1969] 1 W.L.R. 1050, D.C.
Reg. *v.* Nixon (John) [1969] 1 W.L.R. 1055, C.A.
Brewer *v.* Metropolitan Police Comr. [1969] 1 W.L.R. 267
s. 2 (4) (*b*): Reg. *v.* Sharp [1968] 2 Q.B. 564; [1968] 3 W.L.R. 333, C.A.
s. 2 (5): Reg. *v.* Price (Maurice) [1964] 2 Q.B. 76; [1963] 3 W.L.R. 1027, C.C.A.
Reg. *v.* Mitten [1966] 1 Q.B. 10; [1965] 3 W.L.R. 268, C.C.A.
s. 5: Reg. *v.* Lambeth Metropolitan Magistrate, *Ex parte* Everett [1968] 1 Q.B. 446; [1967] 3 W.L.R. 1027, D.C.
Reg. *v.* Tunde-Olarinde [1967] 1 W.L.R. 911, C.A.
s. 5 (1): Reg. *v.* Lundt-Smith [1964] 2 Q.B. 167; [1964] 2 W.L.R. 1063
Delaroy-Hall *v.* Tadman [1969] 2 Q.B. 208; [1969] 2 W.L.R. 92, D.C.
Taylor *v.* Austin [1969] 1 W.L.R. 264, D.C.
Reg. *v.* Jackson [1970] 1 Q.B. 647; [1969] 2 W.L.R. 1339, C.A.
Reg. *v.* Scott (Note) [1970] 1 Q.B. 661; [1969] 2 W.L.R. 1350, C.A.
s. 5 (3): Fearon *v.* Sydney [1966] 1 W.L.R. 1003, D.C.
Reg. *v.* Llandrindod Wells Justices, *Ex parte* Gibson [1968] 1 W.L.R. 598, D.C.
s. 5 (3) (5): Reg. *v.* Sixsmith (Stipendiary Magistrate), *Ex parte* Morris [1968] 1 Q.B. 438; [1966] 3 W.L.R. 1200, D.C.
Reg. *v.* Jones (Robert) [1970] 1 W.L.R. 1494, C.A.
s. 5 (5): Reg. *v.* McNulty [1965] 1 Q.B. 437; [1964] 3 W.L.R. 1168, C.C.A.
Jones *v.* Powell [1962] 2 Q.B. 216; [1965] 2 W.L.R. 683, D.C.
s. 7: Bell *v.* Ingham [1969] 1 Q.B. 563; [1968] 3 W.L.R. 401, D.C.
s. 9: Brown *v.* Dyerson [1969] 1 Q.B. 45; [1968] 3 W.L.R. 615, D.C.
s. 20: Series *v.* Poole [1969] 1 Q.B. 676; [1968] 2 W.L.R. 261, D.C.
Wurzal *v.* W. G. A. Robinson (Express Haulage) Ltd. [1969] 1 W.L.R. 996, D.C.

1963 **Betting, Gaming and Lotteries Act** (c. 2)—
ss. 4 (3), 38 (2), 42, Sch. 2, para. 13 (*a*): Singette Ltd. *v.* Martin [1970] 2 Q.B. 565; [1970] 2 W.L.R. 1290, D.C.
s. 10 (1), Sch. 4, para. 3: Dunsford *v.* Pearson [1970] 1 W.L.R. 222, D.C.
s. 10 (1), Sch. 4 (1): Anderson *v.* Gradidge [1969] 1 W.L.R. 581, D.C.
s. 32 (1) (*a*): Reg. *v.* Comr. of Police of the Metropolis, *Ex parte* Blackburn [1968] 2 Q.B. 118; [1968] 2 W.L.R. 893, C.A.
s. 32 (1) (*a*) (ii) (*b*): Metropolitan Police Comr. *v.* I. & N. Weston Ltd. [1969] 1 W.L.R. 847, D.C.
s. 32 (1) (*a*) (ii) (*b*) (2) (*a*): Victoria Sporting Club Ltd. *v.* Hannam [1970] A.C. 55; [1969] 2 W.L.R. 13, D.C.; [1970] A.C. 55; [1969] 2 W.L.R. 454, H.L.(E.)

1963 Betting, Gaming and Lotteries Act—*continued.*

ss. 32 (1) (*a*), 55 (1): Director of Public Prosecutions *v.* Essoldo Circuit (Control) Ltd. [1966] 1 Q.B. 799; [1965] 3 W.L.R. 837, D.C.
s. 32 (1) (*a*) (ii): Kursaal Casino Ltd. *v.* Crickitt [1966] 1 W.L.R. 960, D.C.
Kursaal Casino Ltd. *v.* Crickitt (No. 2) [1967] 1 W.L.R. 1227, D.C.; [1968] 1 W.L.R. 53, H.L.(E.)
ss. 32 (1) (*c*) (2) (*b*), 36 (*c*): Wheeler *v.* Gibbins [1970] 1 W.L.R. 268, D.C.
ss. 32 (1), 55 (1): Adcock *v.* Wilson [1967] 2 Q.B. 683; [1967] 2 W.L.R. 1189, D.C.; [1969] 2 A.C. 326; [1968] 2 W.L.R. 914, H.L.(E.)
ss. 33 (1) (2) (*c*), 54: Avais *v.* Hartford Shankhouse & District Workingmen's Social Club & Institute Ltd. [1968] 1 W.L.R. 10, C.A.; [1969] 2 A.C. 1; [1969] 2 W.L.R. 108, H.L.(E.)
ss. 34 (1), 55: McCollom *v.* Wrightson [1968] 1 Q.B. 412; [1967] 3 W.L.R. 1253, D.C.; [1968] A.C. 522; [1968] 2 W.L.R. 578, H.L.(E.)
s. 36 (*b*): Kelland *v.* Raymond [1964] 2 Q.B. 108; [1964] 2 W.L.R. 662, D.C.
ss. 41, 42 (1) (*c*) (i): Director of Public Prosecutions *v.* Bradfute & Associates Ltd. [1967] 2 Q.B. 291; [1967] 2 W.L.R. 459, D.C.
s. 47 (1) (*b*): Whitbread & Co. Ltd. *v.* Bell [1970] 2 Q.B. 547; [1970] 2 W.L.R. 1025, D.C.
s. 49: Capper *v.* Baldwin [1965] 2 Q.B. 53; [1965] 2 W.L.R. 610, D.C.
s. 49 (1), Sch. 6, paras. 2, 6: Godfrey *v.* Bournemouth Corpn. [1969] 1 W.L.R. 47, D.C.
s. 49 (3) (*d*): Cronin *v.* Grierson [1967] 1 W.L.R. 1147, D.C.; [1968] A.C. 895; [1968] 2 W.L.R. 634, H.L.(E.)
s. 49, Sch. 6: Fox *v.* Adamson [1970] A.C. 552; [1968] 3 W.L.R. 416, H.L.(E.)
Wolverhampton and Dudley Breweries Ltd. *v.* Warley County Borough Council [1970] 1 W.L.R. 463, D.C.
s. 52 (4): Reg. *v.* Edmonton Justices, *Ex parte* Stannite Automatics Ltd. [1965] 1 W.L.R 984, D.C.
Sch. 1, para. 19 (*b*) (ii): Reg. *v.* Essex Quarter Sessions, *Ex parte* Thomas [1966] 1 W.L.R. 359, D.C.
Sch. 1, para. 21: Reg. *v.* Middlesex Justices, *Ex parte* Schock [1965] 2 Q.B. 336; [1965] 2 W.L.R. 1293, D.C.
Sch. 4, para. 3 (*c*): Heaney *v.* Smith [1964] 1 W.L.R. 789, D.C.
Sch. 4, paras. 3 (*c*), 4: Wilson *v.* Danny Quastel (Rotherhithe) Ltd. [1966] 1 Q.B. 125; [1965] 3 W.L.R. 774, D.C.
Sch. 6: Fox *v.* Adamson [1968] 1 Q.B. 765; [1968] 2 W.L.R. 42, D.C.

Purchase Tax Act (c. 9)—

ss. 1 (1), 2 (1) (2), Sch. 1, Pt. I, groups 33, 35: Beecham Foods Ltd. *v.* Comrs. of Customs and Excise [1969] 1 W.L.R. 1518
ss. 1 (1), 2 (1), 4 (1), 9 (1) (2), Sch. 1, Pt. I, rr. 1, 2, 3, group 11 (*a*): Pioneer Plastic Containers Ltd. *v.* Comrs. of Customs and Excise (No. 2) [1968] 1 W.L.R. 236
ss. 1 (1), 3 (1) (2), Sch. 1, Pt. I, group 28: Morisis Products Ltd. *v.* Comrs. of Customs and Excise [1969] 1 W.L.R. 1585, C.A.
s. 6 (4) (*b*): B. Marsh (Wholesale) Ltd. *v.* Comrs. of Customs and Excise [1970] 2 Q.B. 206; [1970] 2 W.L.R. 715
s. 24 (6): Reg. *v.* Harz; Reg. *v.* Power [1967] 1 A.C. 760; [1966] 3 W.L.R. 1241, C.C.A.; [1967] 1 A.C. 760; [1967] 2 W.L.R. 297, H.L.(E.)
s. 33 (2) (*a*): Reg. *v.* Ovenell [1969] 1 Q.B. 17; [1968] 2 W.L.R. 1543, C.A.
s. 34 (4): Reg. *v.* Simmonds [1969] 1 Q.B. 685; [1967] 3 W.L.R. 367, C.A.
Sch. 1, Pt. I, group 11: F. Austin (Leyton) Ltd. *v.* Comrs. of Customs and Excise [1968] Ch. 529; [1968] 3 W.L.R. 25
Sch. 1, Pt. I, group 34: Candy Maid Confections Ltd. *v.* Comrs. of Customs and Excise [1969] 1 Ch. 611; [1968] 3 W.L.R. 1196
Sch. 1, Pt. I, group 35: Comrs. of Customs and Excise *v.* Savoy Hotel Ltd. [1966] 1 W.L.R. 948
Comrs. of Customs and Excise *v.* Clark's Cereal Products Ltd. (Note) [1969] 1 Q.B. 755; [1968] 3 W.L.R. 1203
Comrs. of Customs and Excise *v.* Popcorn House Ltd. (Note) [1969] 1 Q.B. 760; [1968] 3 W.L.R. 1207

Protection of Depositors Act (c. 16)—

ss. 1 (1), 2 (1), 26 (1): Reg. *v.* Delmayne [1970] 2 Q.B. 170; [1969] 3 W.L.R. 300, C.A.

Finance Act (c. 25)—

ss. 15 (1) (*c*), 28 (3): Lowe *v.* J. W. Ashmore Ltd. [1970] 3 W.L.R. 998
s. 29 (1), Schs. 8, 13: Provan *v.* Scott [1965] 1 W.L.R. 1193

Weights and Measures Act (c. 31)—

ss. 21 (1), 22 (1), 58, Sch. 4, Part I, para. 2: Lucas *v.* Rushby [1966] 1 W.L.R. 814, D.C.
s. 22 (2), Sch. 4, Pt. IV, para. 3: Ben Worsley Ltd. *v.* Harvey [1967] 1 W.L.R. 889, D.C.
s. 24 (1): Sopp *v.* Long [1970] 1 Q.B. 518; [1969] 2 W.L.R. 587, D.C.
s. 24 (2): Collett *v.* Co-operative Wholesale Society Ltd. [1970] 1 W.L.R. 250, D.C.
ss. 24 (3), 25 (1), 26 (2): F. W. Woolworth & Co. Ltd. *v.* Gray [1970] 1 W.L.R. 764, D.C.
ss. 24 (4), 26 (1): Hall *v.* Farmer [1970] 1 W.L.R. 366, D.C.
s. 26 (7): Sears *v.* Smiths Food Group Ltd. [1968] 2 Q.B. 288; [1968] 2 W.L.R. 1255, D.C.

1963 London Government Act (c. 33)—

s. 8 (2), Sch. 4, para. 39: Plymouth Corpn. *v.* Hurrell [1968] 1 Q.B. 455; [1967] 3 W.L.R. 1289, C.A.

s. 31: Bradbury *v.* Enfield London Borough Council [1967] 1 W.L.R. 1311, C.A.

s. 84: Duncan *v.* Lambeth London Borough Council [1968] 1 Q.B. 765; [1968] 2 W.L.R. 88

Children and Young Persons Act (c. 37)—

s. 2 (1), (2) (*a*): Alhaji Mohamed *v.* Knott [1969] 1 Q.B. 1; [1968] 2 W.L.R. 1446, D.C.

Offices, Shops and Railway Premises Act (c. 41)—

s. 1: Ministry of Labour *v.* Morgan [1968] 1 Q.B. 213; [1967] 3 W.L.R. 687, D.C.

ss. 18, 67: J. H. Dewhurst Ltd. *v.* Coventry Corpn. [1970] 1 Q.B. 20; [1969] 3 W.L.R. 249, D.C.

ss. 31 (1), 72: Reg. *v.* Recorder of Oxford, *Ex parte* Brasenose College [1970] 1 Q.B. 109; [1969] 3 W.L.R. 446, D.C.

Matrimonial Causes Act (c. 45)—

s. 1: Blyth *v.* Blyth and Pugh [1965] P. 411; [1965] 3 W.L.R. 365, C.A.; [1966] A.C. 643; [1966] 2 W.L.R. 634, H.L.(E.)

s. 2 (1): Brown *v.* Brown [1967] P. 105; [1964] 3 W.L.R. 899, D.C.
Herridge *v.* Herridge [1965] 1 W.L.R. 1506, C.A.

s. 3: Carson *v.* Carson and Stoyek [1964] 1 W.L.R. 511

s. 4: Allford *v.* Allford [1965] P. 117; [1964] 3 W.L.R. 1057
Nash *v.* Nash [1965] P. 266; [1965] 2 W.L.R. 317

Limitation Act (c. 47)—

ss. 1 (1), 2 (1): Harkness *v.* Bell's Asbestos and Engineering Ltd. [1967] 2 Q.B. 729; [1967] 2 W.L.R. 29, C.A.

ss. 1 (1) (2) (3), 2 (2), 7 (3) (5): *In re* Clark *v.* Forbes Stuart (Thames Street) Ltd. [1964] 1 W.L.R. 836, C.A.

ss. 1 (1) (2) (3), 7 (3) (4) (5): Newton *v.* Cammell Laird & Co. (Shipbuilders and Engineers) Ltd. [1969] 1 W.L.R. 415, C.A.
In re Pickles *v.* National Coal Board (Intended Action) [1968] 1 W.L.R. 997, C.A.

ss. 1 (1) (3), 2 (1) (2), 7 (3) (4) (5): Cozens *v.* North Devon Hospital Management Committee [1966] 2 Q.B. 318; [1966] 2 W.L.R. 1134; [1966] 2 Q.B. 330; [1966] 3 W.L.R. 279, C.A.

ss. 1 (2) (5), 3 (4): Lucy *v.* W. T. Henleys Telegraph Works Co. Ltd. [1970] 1 Q.B. 393; [1969] 3 W.L.R. 588, C.A.

s. 7 (3) (4): Goodchild *v.* Greatness Timber Co. Ltd. [1968] 2 Q.B. 372; [1968] 2 W.L.R. 1283, C.A.

Contracts of Employment Act (c. 49)—

s. 1 (1), Sch. 1: *In re* Mack Trucks (Britain) Ltd. [1967] 1 W.L.R. 780

s. 4 (1): Camden Exhibition & Display Ltd. *v.* Lynott [1966] 1 Q.B. 555; [1965] 3 W.L.R. 763, C.A.

s. 4 (1) (*a*), Sch. 2, para. 3 (2): S. & U. Stores Ltd. *v.* Lee [1969] 1 W.L.R. 626, D.C.

Sch. 1, paras. 2, 5 (1) (*b*) (*c*): Hunter *v.* Smith's Dock Co. Ltd. [1968] 1 W.L.R. 1865, D.C.

Sch. 1, para. 5 (1) (*b*): Fitzgerald *v.* Hall, Russell & Co. Ltd. [1970] A.C. 984; [1969] 3 W.L.R. 868, H.L.(Sc.)

Sch. 1, paras. 5 (1) (*c*), 10, 10A (1) (2): Southern Electricity Board *v.* Collins [1970] 1 Q.B. 83; [1969] 3 W.L.R. 147, D.C.

Sch. 1, para. 10 (1): Lee *v.* Barry High Ltd. [1970] 1 W.L.R. 1549, C.A.

Sch. 1, para. 10 (1) (2): Dallow Industrial Properties Ltd. *v.* Else [1967] 2 Q.B. 449; [1967] 2 W.L.R. 1352, D.C.

Sch. 1, para. 10 (2): Kenmir Ltd. *v.* Frizzell [1968] 1 W.L.R. 329, D.C.

Sch. 2, paras. 1 (1), 3 (1): Pearson *v.* William Jones Ltd. [1967] 1 W.L.R. 1140, D.C.

Redundancy Payments Act (c. 62)—

s. 1 (1), Sch. 1, para. 5 (1): S. & U. Stores Ltd. *v.* Lee [1969] 1 W.L.R. 626, D.C.

1964 Trustee Savings Banks Act (c. 4)—

Knight & Searle *v.* Dove [1964] 2 Q.B. 631; [1964] 3 W.L.R. 50

Industrial Training Act (c. 16)—

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s. 4 (1): N.A.S. Airport Services Ltd. *v.* Hotel and Catering Industry Training Board [1970] 1 W.L.R. 473, D.C.

s. 4 (3): Agricultural, Horticultural and Forestry Industry Training Board *v.* Kent [1970] 2 Q.B. 19; [1970] 2 W.L.R. 426, C.A.

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ss. 40, 74 (4): Severn View Social Club and Institute Ltd. *v.* Chepstow (Monmouthshire) Justices [1968] 1 W.L.R. 1512, D.C.
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s. 169 (1): Wallworth *v.* Balmer [1966] 1 W.L.R. 16, D.C.
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Resale Prices Act (c. 58)—
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s. 28 (1), Sch. 3, para. 12 (*b*): Metropolitan Properties Co. Ltd. *v.* Noble [1968] 1 W.L.R. 838, D.C.
s. 30 (1) (5): Luganda *v.* Service Hotels Ltd. [1969] 2 Ch. 209; [1969] 2 W.L.R. 1056, C.A.
s. 30 (2) (5): Norton *v.* Knowles [1969] 1 Q.B. 572; [1968] 3 W.L.R. 183, D.C.
s. 32 (1) (2): Warder *v.* Cooper [1970] Ch. 495; [1970] 2 W.L.R. 975
s. 33 (6): Wilson *v.* Croft [1970] 3 W.L.R. 1, C.A.
Sch. 3: Chapman *v.* Earl [1968] 1 W.L.R. 1315, D.C.

Southern Rhodesia Act (c. 76)—
ss. 1, 2 (1): Madzimbamuto *v.* Lardner-Burke [1969] 1 A.C. 615; [1968] 3 W.L.R. 1229, P.C.

Prayer Book (Alternative and Other Services) Measure (No. 1)—
s. 1: *In re* St. Peter and St. Paul, Leckhampton [1968] P. 495; [1968] 2 W.L.R. 1551

1966 **National Insurance Act** (c. 6)—
s. 2 (1), 5 (*b*): Baker *v.* Minister of Social Security [1969] 1 W.L.R. 644
s. 8 (1) (*a*): Reg. *v.* National Insurance Comr., *Ex parte* Hudson [1970] 1 Q.B. 477; [1970] 2 W.L.R. 182, C.A.

1966 **Docks and Harbours Act** (c. 28)—

ss. 1, 53, 58: National Dock Labour Board *v.* John Bland & Co. Ltd. [1970] 2 Q.B. 333; [1970] 2 W.L.R. 1251, C.A.

Criminal Appeal Act (c. 31)—

s. 1: Reg. *v.* Collins [1970] 1 Q.B. 710; [1970] 2 W.L.R. 68, C.A.

ss. 1 (1), 2 (*b*): Reg. *v.* Jeffries [1969] 1 Q.B. 120; [1968] 3 W.L.R. 830, C.A.

s. 4 (2): Reg. *v.* Craig (Practice Note) [1967] 1 W.L.R. 645, C.A.
Reg. *v.* Bennett [1968] 1 W.L.R. 988, C.A.

Selective Employment Payments Act (c. 32)—

s. 1 (2) (*a*) (*b*): Minister of Labour *v.* Genner Iron & Steel Co. (Wollescote) Ltd. (No. 2) [1967] 3 W.L.R. 1390, D.C.
Prestcold (Central) Ltd. *v.* Minister of Labour [1968] 1 W.L.R. 741, D.C.; [1969] 1 W.L.R. 89, C.A.
Fisher-Bendix *v.* Secretary of State for Employment and Productivity [1970] 1 W.L.R. 856, C.A.

s. 1 (2) (*a*) (*i*): Lord Advocate *v.* Reliant Tool Co. [1968] 1 W.L.R. 205, H.L.(Sc.)

ss. 1, 2 (*a*): Carfax Waste Paper Co. Ltd. *v.* Minister of Labour [1968] 1 W.L.R. 1166, D.C.

s. 2 (1) (2) (3): Minister of Agriculture, Fisheries and Food *v.* Mason [1969] 1 Q.B. 399; [1968] 3 W.L.R. 810, D.C.

s. 2 (2) (*a*) (3): C. Maurice & Co. Ltd. *v.* Minister of Labour [1968] 1 W.L.R. 1337, C.A.; [1969] 2 A.C. 346; [1969] 2 W.L.R. 797, H.L.(E.)

ss. 2 (2) (*a*) (3) (*e*), 10 (1): Minister of Agriculture, Fisheries and Food *v.* Appleton [1970] 1 Q.B. 221; [1969] 3 W.L.R. 755, D.C.

ss. 2, 10: Ministry of Labour *v.* Morgan [1968] 1 Q.B. 213; [1967] 3 W.L.R. 687, D.C.
Esso Petroleum Co. Ltd. *v.* Ministry of Labour [1969] 1 Q.B. 98; [1968] 3 W.L.R. 815, C.A.

Prices and Incomes Act (c. 33)—

ss. 28 (2), 29 (4): Allen *v.* Thorn Electrical Industries Ltd. [1968] 1 Q.B. 487; [1967] 3 W.L.R. 858, C.A.

Industrial Development Act (c. 34)—

ss. 1 (1) (2) (3), 13 (1): British Oxygen Co. Ltd. *v.* Board of Trade [1969] 1 Ch. 57; [1968] 3 W.L.R. 1; [1969] 2 Ch. 174; [1969] 2 W.L.R. 877, C.A.; [1970] 3 W.L.R. 488, H.L.(E.)

Family Provision Act (c. 35)—

ss. 5, 6: Practice Direction (Family Provision: Extension of Time: Interim Orders) [1967] 1 W.L.R. 431
Practice Direction (Family Provision: Extension of Time) [1967] 1 W.L.R. 624

s. 7 (1), Sch. 3, para. 1 (1): *In re* Gregory, decd. [1970] 1 W.L.R. 1455, C.A.

Land Registration Act (c. 39)—

Practice Direction (Vendor and Purchaser Summonses) [1967] 1 W.L.R. 481

Brighton Corporation Act (c. xxxvii)—

s. 7: Rogers *v.* Dodd [1968] 1 W.L.R. 548, D.C.

1967 **General Rate Act** (c. 9)—

ss. 9, 79: Gwynne Trusts Ltd. *v.* Rodwell [1969] 1 W.L.R. 740, C.A.; [1970] 1 W.L.R. 327, H.L.(E.)

s. 17 (1), Sch. 1, paras. 1, 10: Easiwork Homes Ltd. *v.* Redbridge London Borough Council [1970] 2 Q.B. 406; [1970] 2 W.L.R. 1199, D.C.

s. 97 (1): Des Salles D'Epinoix *v.* Kensington and Chelsea (Royal) London Borough Council [1970] 1 W.L.R. 179, D.C.

Road Safety Act (c. 30)—

s. 1 (1): Brown *v.* Dyerson [1969] 1 Q.B. 45; [1968] 3 W.L.R. 615, D.C.
Reg. *v.* Jackson [1970] 1 Q.B. 647; [1969] 2 W.L.R. 1339, C.A.
Reg. *v.* Scott (Note) [1970] 1 Q.B. 661; [1969] 2 W.L.R. 1350, C.A.
Reg. *v.* Durrant [1970] 1 W.L.R. 29, C.A.

ss. 1 (1), 2 (1) (3) (4) (7), 7 (1): Scott *v.* Baker [1969] 1 Q.B. 659; [1968] 3 W.L.R. 796, D.C.

ss. 1 (1) (2), 3 (1) (3) (10): Reg. *v.* Brush [1968] 1 W.L.R. 1740, C.A.

s. 1 (2) (3): Northfield *v.* Pinder [1969] 2 Q.B. 7; [1969] 2 W.L.R. 50, D.C.

ss. 1 (1), 2 (2): Reg. *v.* Seward [1970] 1 W.L.R. 323, C.A.

ss. 1 (1), 2 (1) (3) (5), 3 (1): Hoyle *v.* Walsh [1969] 2 Q.B. 13; [1969] 2 W.L.R. 34, D.C.

ss. 1 (1), 2 (1) (7), 3 (1): Campbell *v.* Tormey [1969] 1 W.L.R. 189, D.C.

ss. 1 (1), 2 (1), 3 (3) (6): Reg. *v.* Clarke (Christopher) [1969] 1 W.L.R. 1109, C.A.

ss. 1 (1), 3 (1) (2): Bosley *v.* Long [1970] 1 W.L.R. 1410, D.C.

ss. 1 (1), 3 (8): Earl *v.* Roy [1969] 1 W.L.R. 1050, D.C.
Reg. *v.* Nixon (John) [1969] 1 W.L.R. 1055, D.C.

ss. 1 (1), 5: Delaroy-Hall *v.* Tadman [1969] 2 Q.B. 208; [1969] 2 W.L.R. 92, D.C.

ss. 1 (1), 5 (2): Taylor *v.* Austin [1969] 1 W.L.R. 264, D.C.

s. 2 (1): Reg. *v.* Wall [1969] 1 W.L.R. 400, C.A.
Arnold *v.* Kingston-upon-Hull Chief Constable [1969] 1 W.L.R. 1499, D.C.
Donegani *v.* Ward [1969] 1 W.L.R. 1502, D.C.
Reg. *v.* Kelly (Francis William) [1970] 1 W.L.R. 1050, C.A.
Stevens *v.* Thornborrow [1970] 1 W.L.R. 23, D.C.

1967 Road Safety Act—*continued.*
ss. 2 (1), 3: Pinner *v.* Everett [1969] 1 W.L.R. 1266, H.L.(E.)
s. 2 (1) (*a*) (*b*) proviso: Reg. *v.* Price (Kenneth) [1968] 1 W.L.R. 1853, C.A.
Reg. *v.* Jones (E. J. M.) [1970] 1 W.L.R. 211, C.A.
ss. 2 (1) (*a*), 3 (3) (*a*): Reg. *v.* Bove [1970] 1 W.L.R. 949, C.A.
s. 2 (1) (*b*): Sasson *v.* Taverner [1970] 1 W.L.R. 338, D.C.
ss. 2 (2), 3 (2): Reg. *v.* Chapman [1969] 2 Q.B. 436; [1969] 2 W.L.R. 1004, C.A.
s. 2 (3) (5): Hirst *v.* Wilson [1970] 1 W.L.R. 47, D.C.
s. 2 (4): Alderson *v.* Booth [1969] 2 Q.B. 216; [1969] 2 W.L.R. 1252, D.C.
ss. 2, (4), 7 (1): Webber *v.* Carey [1969] 1 W.L.R. 1351, D.C.; [1970] A.C. 1072; [1969] 3 W.L.R. 1169, H.L.(E.)
ss. 2 (4) (5), 7 (3): Rendell *v.* Hooper [1970] 1 W.L.R. 747, D.C.
ss. 2 (4) (7), 7 (2): Rooney *v.* Haughton [1970] 1 W.L.R. 550, D.C.
ss. 2, 3 (1) (10): Reg. *v.* Sadler [1970] 1 W.L.R. 416, C.A.
s. 3 (3): Solesbury *v.* Pugh [1969] 1 W.L.R. 1114, D.C.
ss. 3 (3) (*a*), 7 (1): Reg. *v.* Withecombe [1969] 1 W.L.R. 84, C.A.
s. 3 (3) (*a*) (10): Reg. *v.* Dolan [1969] 1 W.L.R. 1479, C.A.
Reg. *v.* Clarke [1969] 2 Q.B. 91; [1969] 2 W.L.R. 505, C.A.
s. 7 (1): Reg. *v.* Gwilliam [1968] 1 W.L.R. 1839, C.A.
Reg. *v.* Skinner [1968] 2 Q.B. 700; [1968] 3 W.L.R. 408, C.A.
Reg. *v.* Holt [1968] 1 W.L.R. 1942, C.A.
Reg. *v.* Jones (Reginald William) [1970] 1 W.L.R. 16, C.A.

Finance Act (c. 54)—
s. 5 (1) (*c*), Sch. 7, para. 1 (*b*): Reg. *v.* Leicester Licensing Justices, *Ex parte* Bisson [1968] 1 W.L.R. 729, D.C.

Matrimonial Causes Act (c. 56)—
s. 2: B. (B. R.) *v.* B. (J.) [1968] P. 466; [1968] 3 W.L.R. 566, C.A.

Criminal Law Act (c. 58)—
ss. 1, 4, 10 (2), 12, Sch. 3: Reg. *v.* Fisher (Charles) [1969] 1 W.L.R. 8, C.A.
s. 4 (7): Reg. *v.* Lewis (Albert Roy) [1969] 2 Q.B. 1; [1969] 2 W.L.R. 55, C.A.
ss. 4 (7), 12 (1): Reg. *v.* Reah [1968] 1 W.L.R. 1508, C.A.
s. 6 (3): Reg. *v.* Woods [1969] 1 Q.B. 447; [1968] 3 W.L.R. 1192, C.A.
Reg. *v.* Fisher (Colin) [1969] 2 Q.B. 114; [1969] 2 W.L.R. 453
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Reg. *v.* Parker [1969] 2 Q.B. 248; [1969] 2 W.L.R. 1063, C.A.
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s. 10 (1), Sch. 2, para. 9: Reg. *v.* Forest Justices, *Ex parte* Coppin [1969] 1 W.L.R. 916, D.C.
Reg. *v.* Taylor [1969] 1 W.L.R. 919, C.A.

Sexual Offences Act (c. 60)—
s. 8: Reg. *v.* Angel [1968] 1 W.L.R. 669, C.A.
Reg. *v.* Warn [1968] 1 Q.B. 718; [1968] 2 W.L.R. 131, Ct.-M.A.C.; [1970] A.C. 394; [1968] 3 W.L.R. 609, H.L.(E.)
Reg. *v.* Assistant Recorder of Kingston-upon-Hull, *Ex parte* Morgan [1969] 2 Q.B. 58; [1969] 2 W.L.R. 246, D.C.
Director of Public Prosecutions *v.* Burgess [1970] 3 W.L.R. 805, D.C.

Fugitive Offenders Act (c. 68)—
ss. 3 (1), 5, 7 (5): Reg. *v.* Governor of Brixton Prison, *Ex parte* Gardner [1968] 2 Q.B. 399; [1968] 2 W.L.R. 512, D.C.
s. 7 (5) (*a*): Reg. *v.* Governor of Brixton Prison, *Ex parte* Rush [1969] 1 W.L.R. 165, D.C.

Matrimonial Homes Act (c. 75)—
s. 1: Practice Direction (Matrimonial Homes Act, 1967, s. 1: Practice) [1968] 1 W.L.R. 772
s. 1 (1): Penn *v.* Dunn [1970] 2 Q.B. 686; [1970] 3 W.L.R. 321, C.A.
s. 1 (1) (*b*): Rutherford *v.* Rutherford [1970] 1 W.L.R. 1479
ss. 1 (1) (*b*), 2 (6): Baynham *v.* Baynham [1968] 1 W.L.R. 1890, C.A.
ss. 1 (1) (2) (3) (8), 2 (1), 5 (1), 6 (1): Gurasz *v.* Gurasz [1970] P. 11; [1969] 3 W.L.R. 482, C.A.
ss. 1 (1) (2) (3), 7 (1) (3): Maynard *v.* Maynard [1969] P. 88; [1969] 2 W.L.R. 22
ss. 1 (1) (5), 2 (6): Hastings and Thanet Building Society *v.* Goddard [1970] 1 W.L.R. 1242; [1970] 1 W.L.R. 1544, C.A.
s. 2 (6) (7): Practice Direction (Matrimonial Homes: Registration of Charge) [1968] 1 W.L.R. 365

Road Traffic Regulation Act (c. 76)—
s. 23 (1) (5): Sulston *v.* Hammond [1970] 1 W.L.R. 1164, D.C.

Criminal Justice Act (c. 80)—
Practice Direction (Plea of Guilty: Statement of Facts) [1968] 1 W.L.R. 529, C.A.
s. 2 (1) (7): Reg. *v.* Holt [1968] 1 W.L.R. 1942, C.A.
s. 2 (2) (*c*): Reg. *v.* Bott [1968] 1 W.L.R. 583
ss. 2, 9: Practice Direction (Evidence: Written Statements) [1969] 1 W.L.R. 1862, C.A.

1967 **Criminal Justice Act**—*continued.*

- s. 3 (1) (2) (5): Reg. *v.* Russell, *Ex parte* Beaverbrook Newspapers Ltd. [1969] 1 Q.B. 342; [1968] 3 W.L.R. 999, D.C.
- ss. 3 (1) (2), 35: Reg. *v.* Bow Street Magistrate, *Ex parte* Kray (Reginald) [1969] 1 Q.B. 473; [1968] 3 W.L.R. 1111, D.C.
- s. 8: Reg. *v.* Wallett [1968] 2 Q.B. 367; [1968] 2 W.L.R. 1199, C.A.
  - Reg. *v.* Ives [1970] 1 Q.B. 208; [1969] 3 W.L.R. 266, C.A.
  - Reg. *v.* Lipman [1970] 1 Q.B. 152; [1969] 3 W.L.R. 819, C.A.
- ss. 8, 104: Reg. *v.* Cooper (Anthony) [1969] 1 W.L.R. 977, Ct.-M.A.C.
- s. 11: Practice Direction (Crime: Alibi Defence) [1969] 1 W.L.R. 603, C.A.
- s. 11 (1): Reg. *v.* Sullivan [1970] 3 W.L.R. 210, C.A.
- s. 11 (1) (8): Reg. *v.* Lewis (Albert Roy) [1969] 2 Q.B. 1; [1969] 2 W.L.R. 55, C.A.
  - Reg. *v.* Hassan [1970] 1 Q.B. 423; [1970] 2 W.L.R. 82, C.A.
- s. 13: Practice Direction (Crime: Majority Verdicts) [1967] 1 W.L.R. 1198, C.A.; [1970] 1 W.L.R. 916, C.A.
- s. 13 (3): Reg. *v.* Adams [1969] 1 W.L.R. 106, C.A.
- s. 18: Reg. *v.* Coe [1968] 1 W.L.R. 1950, C.A.
- s. 37 (2): Reg. *v.* Wilkinson [1970] 1 Q.B. 123; [1969] 3 W.L.R. 655, C.A.
- ss. 37 (2) (3) (5), 60: Reg. *v.* Ottewell [1969] 1 Q.B. 27; [1968] 2 W.L.R. 1536, C.A.; [1970] A.C. 642; [1968] 3 W.L.R. 621, H.L.(E.)
- s. 37 (2) (5): Reg. *v.* Barrett [1969] 1 W.L.R. 1336, C.A.
- ss. 37, 38 (3): Reg. *v.* Concannon (Practice Note) [1970] 1 W.L.R. 1159, C.A.
- s. 39: Reg. *v.* O'Keefe [1969] 2 Q.B. 29; [1969] 2 W.L.R. 77, C.A.
- ss. 39, 40: Reg. *v.* Wilkinson (George) [1970] 1 W.L.R. 1319, C.A.
- s. 39 (1): Reg. *v.* Tarry [1970] 2 Q.B. 560; [1970] 2 W.L.R. 1034, C.A.
- s. 39 (1) (3): Morris *v.* Crown Office [1970] 2 Q.B. 114; [1970] 2 W.L.R. 792, C.A.
  - Reg. *v.* March [1970] 1 W.L.R. 998, C.A.
- ss. 39 (1), 104 (2): Reg. *v.* Coleman [1969] 2 Q.B. 468; [1969] 3 W.L.R. 89, C.A.
- s. 39 (3): Reg. *v.* Newsome [1970] 2 Q.B. 711; [1970] 3 W.L.R. 586, C.A.
- ss. 39 (3), 104: Reg. *v.* Flanders [1969] 1 Q.B. 148; [1968] 3 W.L.R. 873, C.A.
- s. 39 (9) (*a*): Reg. *v.* Fordham [1970] 1 Q.B. 77; [1969] 3 W.L.R. 317
- s. 40 (1): Reg. *v.* Lamb (Alan Peter) [1968] 2 Q.B. 829; [1968] 3 W.L.R. 833, C.A.
  - Reg. *v.* Blakeway [1969] 1 W.L.R. 1233, C.A.
  - Reg. *v.* Ithell [1969] 1 W.L.R. 272, C.A.
  - Reg. *v.* Griffiths (William) [1969] 1 W.L.R. 896, C.A.
- s. 40 (1) (*a*) (*b*): Reg. *v.* Moylan [1970] 1 Q.B. 143; [1969] 3 W.L.R. 814, C.A.
- s. 67 (1): Practice Direction (Crime: Suspended Sentence) [1970] 1 W.L.R. 259, C.A.
- ss. 73 (2), 74 (1) (2), 75 (1) (5): Reg. *v.* Derby Justices, *Ex parte* Kooner [1970] 3 W.L.R. 598, D.C.
- ss. 91 (1) (5), 103 (2), Sch. 7: Osgerby *v.* Rushton [1968] 2 Q.B. 466; [1968] 3 W.L.R. 438, D.C.
- s. 97: Reg. *v.* Moore (Brian) [1968] 1 W.L.R. 397, C.A.
- s. 97 (7): Reg. *v.* Bennett [1968] 1 W.L.R. 988, C.A.

Companies Act (c. 81)—

- s. 37: Selangor United Rubber Estates Ltd. *v.* Cradock (No. 4) [1969] 1 W.L.R. 1773
- s. 50: Selangor United Rubber Estates Ltd. *v.* Cradock (No. 2) [1968] 1 W.L.R. 319
  - Reg. *v.* Harris (Richard) [1970] 1 W.L.R. 1252
- ss. 62 (1) (*a*), 79: *In re* Craven Insurance Co. Ltd. [1968] 1 W.L.R. 675

Leasehold Reform Act (c. 88)—

- ss. 1 (1), 5 (1), 8 (1), 14 (1), 34 (1) (2) (4), Sch. 3: Byrnlea Property Investments Ltd. *v.* Ramsay [1969] 2 Q.B. 253; [1969] 2 W.L.R. 721, C.A.
- ss. 1 (1) (*a*) (*b*) (2) (*a*), 2 (1) (*a*) (3), Sch. 3, Pt. II, para. 6 (1) (*d*) (i): Harris *v.* Swick Securities Ltd. [1969] 1 W.L.R. 1604, C.A.
- s. 2 (1): Lake *v.* Bennett [1970] 1 Q.B. 663; [1970] 2 W.L.R. 355, C.A.
- s. 27: *In re* Robertson's Application [1969] 1 W.L.R. 109
  - *In re* Frost's Application [1970] 1 W.L.R. 1145

1968 **Commonwealth Immigrants Act** (c. 9)—

- s. 2 (1): Reg. *v.* Secretary of State for Home Affairs, *Ex parte* Harnaik Singh [1969] 1 W.L.R. 835, D.C.

Criminal Appeal Act (c. 19)—

- s. 2 (1): Reg. *v.* Lewis (Albert Roy) [1969] 2 Q.B. 1; [1969] 2 W.L.R. 55, C.A.
- s. 2 (1), proviso: Reg. *v.* Pink [1970] 3 W.L.R. 903, C.A.
- ss. 2 (1), 3: Reg. *v.* Parker [1969] 2 Q.B. 248; [1969] 2 W.L.R. 1063, C.A.
- s. 2 (1) (*a*): Reg. *v.* Cooper (Sean) [1969] 1 Q.B. 267; [1968] 3 W.L.R. 1225, C.A.
- s. 3: Reg. *v.* Lovesey [1970] 1 Q.B. 352; [1969] 3 W.L.R. 213, C.A.
- ss. 3, 23 (1) (2) (*b*): Reg. *v.* Lomas [1969] 1 W.L.R. 306, C.A.
- ss. 9, 50 (1): Reg. *v.* Thayne [1970] 1 Q.B. 141; [1969] 3 W.L.R. 480, C.A.
- s. 10 (2) (3): Reg. *v.* Bebbington [1969] 1 W.L.R. 1348, C.A.
- s. 11 (3): Reg. *v.* March [1970] 1 W.L.R. 998, C.A.
- ss. 15, 16 (1): Reg. *v.* Webb [1969] 2 Q.B. 278; [1969] 2 W.L.R. 1088, C.A.
  - Reg. *v.* Burles [1970] 2 Q.B. 191; [1970] 2 W.L.R. 597, C.A.
- s. 17: Reg. *v.* Jefferies [1969] 1 Q.B. 120; [1968] 3 W.L.R. 830, C.A.
  - Reg. *v.* Grantham [1969] 2 Q.B. 574; [1969] 2 W.L.R. 1083, Ct.-M.A.C.

1968 **Criminal Appeal Act**—*continued.*
s. 17 (1) (*a*): Reg. *v.* Bardoe [1969] 1 W.L.R. 398, C.A.
s. 23: Reg. *v.* Hircock [1970] 1 Q.B. 67; [1969] 2 W.L.R. 29, C.A.
s. 30 (4): Reg. *v.* Parker [1970] 1 W.L.R. 1003, C.A.

Courts-Martial (Appeals) Act (c. 20)—
ss. 8 (1) (2), 9, 11 (2), 28 (1) (2), 34, 36: Reg. *v.* Grantham [1969] 2 Q.B. 574; [1969] 2 W.L.R. 1083, Ct.-M.A.C.
s. 12 (1): Reg. *v.* Cooper (Anthony) [1969] 1 W.L.R. 977, Ct.-M.A.C.

Rent Act (c. 23)—
s. 1 (1): Ponder *v.* Hillman [1969] 1 W.L.R. 1261
ss. 1, 6: Gwynne Trusts Ltd. *v.* Rodwell [1969] 1 W.L.R. 740, C.A.
ss. 1, 10 (1) (*a*), Sch. 3, Pt. IV, paras. 2, 3 (1) (*b*): Mykolyshyn *v.* Noah [1970] 1 W.L.R. 1271, C.A.
s. 2 (1) (*b*): Klassnick *v.* Allen [1969] 1 W.L.R. 1616, C.A.
Thomas *v.* Pascal [1969] 1 W.L.R. 1475, C.A.
ss. 2 (1) (*b*), 3: Goel *v.* Sagoo [1970] 1 Q.B. 1; [1969] 2 W.L.R. 318, C.A.
ss. 9 (1), 10 (1) (4), Sch. 3, Pt. IV, paras. 2, 3, 4: MacDonnell *v.* Daly [1969] 1 W.L.R. 1482, C.A.
s. 10, Sch. 3, Part I, Case 8, Part III, para. 1: Thomas *v.* Fryer [1970] 1 W.L.R. 845, C.A.
s. 11: Penn *v.* Dunn [1970] 2 Q.B. 686; [1970] 3 W.L.R. 321, C.A.
ss. 13 (1), 113 (1): Sheridan *v.* Dickson [1970] 1 W.L.R. 1328, C.A.
s. 46: Tormes Property Co. Ltd. *v.* Landau [1970] 3 W.L.R. 762, D.C.
s. 46 (1) (2): Anglo Italian Properties Ltd. *v.* London Rent Assessment Panel [1969] 1 W.L.R. 730, D.C.
ss. 70 (1) (2), 77 (1) (2), 84 (1): Luganda *v.* Service Hotels Ltd. [1969] 2 Ch. 209; [1969] 2 W.L.R. 1056, C.A.
s. 75 (1): Reg. *v.* East London Rent Tribunal, *Ex parte* Schryer [1970] 1 Q.B. 686; [1969] 3 W.L.R. 826, D.C.
Sch. 1, para. 3: Williams *v.* Williams [1970] 1 W.L.R. 1530, C.A.
Sch. 1, para. 7: Foreman *v.* Beagley [1969] 1 W.L.R. 1387. C.A.
Morgan *v.* Murch [1970] 1 W.L.R. 778, C.A.

Firearms Act (c. 27)—
ss. 1 (1) (*a*), 57 (1): Reg. *v.* Freeman [1970] 1 W.L.R. 788, C.A.
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ss. 1 (1), 5 (*a*) (*c*), 19 (1) (10): Ealing London Borough Council *v.* Race Relations Board [1970] 3 W.L.R. 921

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reg. 6 (2): *In re* Peretz Co. Ltd. [1965] Ch. 200; [1964] 3 W.L.R. 1159

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r. 14: Practice Direction (Restrictive Practices: Appearance by a Body Corporate) (1966) L.R. 6 R.P. 48; [1966] 1 W.L.R. 347, R.P.Ct.(E. & W.)

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r. 41: *In re* Crane Makers' Association's Agreement (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 542, R.P.Ct. (E. & W.); (1965) L.R. 5 R.P. 264; [1965] 1 W.L.R. 917, C.A.

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r. 55: *In re* Chocolate and Sugar Confectionery Reference (Foreign Evidence) (1967) L.R. 6 R.P. 325; [1967] 1 W.L.R. 1129, R.P.Ct.(E. & W.)

r. 60: *In re* National Sulphuric Acid Association's Agreement (No. 2) (1966) L.R. 6 R.P. 210, R.P.Ct.(E. & W.)

r. 64: *In re* Medicaments Reference (1968) L.R. 7 R.P. 1, R.P.Ct.(E. & W.)

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rr. 76, 77: *In re* Motor Vehicle Distribution Scheme Agreement (1961) L.R. 2 R.P. 173; [1961] 1 W.L.R. 92, R.P.Ct.(E. & W.)

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r. 14: *In re* Coventry Newspapers Ltd.'s Agreement (1965) L.R. 5 R.P. 230; [1965] 1 W.L.R. 597, R.P.Ct.(E. & W.)

Restrictive Practices Court (Resale Prices) Rules, 1965 (S.I. 1965, No. 236)—

rr. 8, 9, 10: *In re* Silverware, Silver Plate, Pewterware and Related Classes of Goods Reference (1966) L.R. 6 R.P. 130, R.P.Ct.(E. & W.)

rr. 8, 9, 29: Practice Direction (Resale Prices: Evidence of Interest) (1966) L.R. 6 R.P. 47; [1966] 1 W.L.R. 346, R.P.Ct.(E. & W.)

rr. 10, 14: *In re* Whipping Agents (Bakery, Confectionery and Catering Trades) Reference (1966) L.R. 5 R.P. 483, R.P.Ct.(E. & W.)

rr. 11, 12 (*c*) (*d*): *In re* Knitting Machines, Sewing Machines and Related Classes of Goods Reference (1966) L.R. 5 R.P. 472, R.P.Ct.(E. & W.)

r. 12: *In re* Footwear Reference (1965) L.R. 5 R.P. 351; [1965] 1 W.L.R. 1069, R.P.Ct. (E. & W.)

r. 12 (*c*): *In re* Rust-Oleum Reference (1965) L.R. 5 R.P. 480, R.P.Ct.(E. & W.)

rr. 12 (*c*), 17, 19, 20, 21: *In re* Clothing Reference (1966) L.R. 6 R.P. 135, R.P.Ct.(E. & W.)

rr. 12 (*c*), 31 (*b*): *In re* Watches and Clocks Reference (1966) L.R. 6 R.P. 115, R.P.Ct. (E. & W.)

r. 12 (*d*): *In re* Electro-Thermic and Other Goods Reference (1965) L.R. 5 R.P. 475, R.P.Ct.(E. & W.)

r. 16: Practice Direction (Restrictive Practices: Appearance by a Body Corporate) (1966) L.R. 6 R.P. 48; [1966] 1 W.L.R. 357, R.P.Ct.(E. & W.)

r. 17: *In re* Chocolate and Sugar Confectionery Reference (Foreign Evidence) [1967] 1 W.L.R. 1129, R.P.Ct.(E. & W.)

In re Medicaments Reference (1968) L.R. 7 R.P. 1, R.P.Ct.(E. & W.)

r. 19: *In re* Footwear Reference (Practice Note: Application for Further Directions) (1967) L.R. 6 R.P. 394, R.P.Ct.(E. & W.)

r. 22: *In re* Seeds and Compound Fertilisers Reference (1965) L.R. 5 R.P. 486, R.P.Ct. (E. & W.)

rr. 22, 23 (*a*): *In re* Vacuum Flasks Reference (1965) L.R. 5 R.P. 491, R.P.Ct.(E. & W.)

rr. 24, 25: *In re* Weighing Machinery Reference (1968) L.R. 6 R.P. 481, R.P.Ct.(E. & W.)

r. 37: *In re* Footwear Reference (No. 2) (1968) L.R. 6 R.P. 398; [1968] 1 W.L.R. 1355, R.P.Ct.(E. & W.)

Road Vehicles (Registration and Licensing) Regulations, 1955 (S.I. 1955, No. 1664)—

reg. 29, art. D (1): James *v.* Evans Motors (County Garages) Ltd. [1963] 1 W.L.R. 685, D.C.

Rules of Procedure (Army), 1956 (S.I. 1956, No. 162)—

Reg. *v.* Naismith [1961] 1 W.L.R. 952

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art. 2: Department of Health and Social Security *v.* Walker Dean Walker Ltd. [1970] 2 Q.B. 74; [1970] 2 W.L.R. 588

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Buck *v.* Attorney-General [1965] Ch. 745; [1964] 3 W.L.R. 850

Solicitors' Accounts Rules, 1945 (S.R. & O. 1944, No. 781)—
r. 9: Reg. *v.* Yule [1964] 1 Q.B. 5; [1963] 3 W.L.R. 285, C.C.A.
r. 11: Parry-Jones *v.* Law Society [1968] Ch. 195; [1967] 3 W.L.R. 1305; [1969] 1 Ch. 1; [1968] 2 W.L.R. 397, C.A.

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r. 11: Parry-Jones *v.* Law Society [1969] 1 Ch. 1; [1968] 2 W.L.R. 397, C.A.

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arts. 1, 2: Gallaher Ltd. *v.* Comrs. of Customs and Excise [1968] 2 Q.B. 674; [1968] 3 W.L.R. 188, C.A.
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Special Roads (Notice of Opening) Regulations, 1962 (S.I. 1962, No. 1320)—
reg. 1: Royal *v.* Prescott-Clarke [1966] 1 W.L.R. 788, D.C.

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Ord. XV, 481, Ord. XVI, 499.2, Ord. XX, 832.6: Carfax Waste Paper Co. Ltd. *v.* Minister of Labour [1968] 1 W.L.R. 1166, D.C.
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reg. 51: Reffell *v.* Surrey County Council [1964] 1 W.L.R. 358
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Part II, Form 9: *In re* Sumner's Will Trusts [1969] 1 W.L.R. 373

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r. 6: Reg. *v.* Blandford Justices, *Ex parte* G. (An Infant) [1967] 1 Q.B. 82; [1966] 2 W.L.R. 1232, D.C.

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rr. 2 (5), 3 (2): *In re* P. C. (An Infant) [1961] Ch. 312; [1961] 2 W.L.R. 710
r. 8: D. *v.* D. [1963] 1 W.L.R. 194
r. 8 (1): Jakeman *v.* Jakeman and Turner [1964] 2 W.L.R. 90, D.C.
r. 8 (1) (*c*), (2): Abraham *v.* Jutsun [1963] 1 W.L.R. 658, C.A.
r. 22: Practice Direction (Taxation of Costs) [1962] 1 W.L.R. 1110
r. 28 (3) (4): Layzell *v.* British Portland Cement Manufacturers Ltd. [1961] 1 W.L.R. 557
r. 28 (5): *In re* C. (An Infant) [1964] 1 W.L.R. 857
rr. 28, 29, 30, 31: *In re* C.E.F.D. [1963] 1 W.L.R. 329
r. 28 (2): Morey *v.* Woodfield [1964] 1 Q.B. 1; [1963] 3 W.L.R. 486
r. 31: *In re* Whitley, decd. [1962] 1 W.L.R. 922
r. 35: Practice Direction (Review of Taxation) [1962] 1 W.L.R. 580
Sch. 2, r. 35: Practice Direction (Review of Taxation) (No. 2) [1968] 1 W.L.R. 1144

Supreme Court Costs Rules (No. 3), 1959 (S.I. 1959, No. 1958 (L. 13))—
r. 10 (1): Rookes *v.* Barnard (No. 2) [1966] 1 Q.B. 176; [1965] 3 W.L.R. 1033
r. 22 (3): Roberts *v.* Roberts [1965] 1 W.L.R. 643, C.A.
Sch. II, r. 28 (2): Simpsons Motor Sales (London) Ltd. *v.* Hendon Corpn. (No. 2) [1965] 1 W.L.R. 112

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para. 1, Sch. I, s. II, fee 45: *In re* Givan, decd. [1966] 1 W.L.R. 1378

Temporary Restrictions on Pay Increases (July 20, 1966 Levels) (No. 1) Order, 1966 (S.I. 1966, No. 1365)—
art. 2: Allen *v.* Thorn Electrical Industries Ltd. [1968] 1 Q.B. 487; [1967] 3 W.L.R. 858, C.A.

Temporary Restrictions on Pay Increases (No. 2) Order, 1966 (S.I. 1966, No. 1468)—
art. 2: Allen *v.* Thorn Electrical Industries Ltd. [1968] 1 Q.B. 487; [1967] 3 W.L.R. 858, C.A.

Territorial Waters Order in Council, 1964—
arts. 2 (1) (2), 5 (1): Reg. *v.* Kent Justices, *Ex parte* Lye [1967] 2 Q.B. 153; [1967] 2 W.L.R. 765, D.C.
arts. 2, 4, 5 (1): Post Office *v.* Estuary Radio Ltd. [1967] 1 W.L.R. 847; [1968] 2 Q.B. 740; [1967] 1 W.L.R. 1396, C.A.

Town and Country Planning Appeals (Inquiries Procedure) Rules, 1962 (S.I. 1962, No. 1425)—
rr. 10, 11: Luke *v.* Minister of Housing and Local Government [1968] 1 Q.B. 172; [1967] 2 W.L.R. 623
r. 11 (1): Givaudan & Co. Ltd. *v.* Minister of Housing and Local Government [1967] 1 W.L.R. 250

Town and Country Planning General Development Order, 1948 (S.I. 1948, No. 958)—
art. 3 (1), Sch. I, Class XVIII A: East Barnet Urban District Council *v.* British Transport Commission [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134, D.C.

Town and Country Planning General Development Order, 1950 (S.I. 1950, No. 728)—
arts. 5, 11: Kingsway Investments (Kent) Ltd. *v.* Kent County Council [1970] 2 W.L.R. 397, H.L.(E.)
art. 5 (2) (3): Reg. *v.* Bradford-on-Avon Urban District Council, *Ex parte* Boulton [1964] 1 W.L.R. 1136, D.C.
art. 5 (9): Brayhead (Ascot) Ltd. *v.* Berkshire County Council [1964] 2 Q.B. 303; [1964] 2 W.L.R. 507, D.C.

Town and Country Planning General Development Order, 1963 (S.I. 1963, No. 709)—
art. 10: Gregory *v.* Camden London Borough Council [1966] 1 W.L.R. 899

Town and Country Planning General Development Order and Development Charge Applications Regulations, 1950 (S.I. 1950, No. 728)—
art. 3 (1), Sch. I, Class IV, 2: Miller-Mead *v.* Minister of Housing and Local Government [1963] 2 Q.B. 196; [1963] 2 W.L.R. 225, C.A.
art. 3 (1), Sch. I, Class XVIII A: East Barnet Urban District Council *v.* British Transport Commission [1962] 2 Q.B. 484; [1962] 2 W.L.R. 134, D.C.
art. 5 (8): James *v.* Minister of Housing and Local Government [1966] 1 W.L.R. 135, C.A.; [1968] A.C. 409; [1967] 1 W.L.R. 171, H.L.(E.)
art. 5 (8) (9): Edwick *v.* Sunbury-on-Thames Urban District Council [1962] 1 Q.B. 229; [1961] 3 W.L.R. 553

Town and Country Planning (General) Regulations, 1948 (S.I. 1948, No. 1380)—
reg. 7 (2) (*b*): Britt *v.* Buckinghamshire County Council [1964] 1 Q.B. 77; [1963] 2 W.L.R. 722, C.A.

Town and Country Planning (Inquiries Procedure) Rules, 1965 (S.I. 1965, No. 473)—
rr. 12, 13: Luke *v.* Minister of Housing and Local Government [1968] 1 Q.B. 172; [1967] 3 W.L.R. 801, C.A.
r. 12 (2): H. Lavender & Son Ltd. *v.* Minister of Housing and Local Government [1970] 1 W.L.R. 1231
r. 13: Westminster Bank Ltd. *v.* Beverley Borough Council [1969] 1 Q.B. 499; [1968] 2 W.L.R. 1080

Town and Country Planning (Modification of Mines) Act Regulations, 1948—
In re Associated Portland Cement Manufacturers Ltd.'s Application [1966] Ch. 308; [1965] 3 W.L.R. 1271

Town and Country Planning (Use Classes) Order, 1950 (S.I. 1950, No. 1131)—
art. 2 (2), Sch., Cl. III: Rael-Brook Ltd. *v.* Minister of Housing and Local Government [1967] 2 Q.B. 65; [1967] 2 W.L.R. 604, D.C.
Sch.: Birmingham Corpn. *v.* Habib Ullah [1964] 1 Q.B. 178; [1963] 3 W.L.R. 937, D.C.
George Cohen 600 Group Ltd. *v.* Minister of Housing and Local Government [1961] 1 W.L.R. 944, D.C.

Town and Country Planning (Use Classes) Order, 1963 (S.I. 1963, No. 708)—
art. 3 (1), Class X: G. Percy Trentham *v.* Gloucestershire County Council [1966] 1 W.L.R. 506, C.A.

Traffic Regulation Orders (Procedure) (England and Wales) Regulations, 1961 (S.I. 1961, No. 485)—

Traffic Signs Regulations, 1964 (S.I. 1964, No. 1857)—
reg. 34 (1) (*a*): Ryan *v.* Smith [1967] 2 Q.B. 893; [1967] 2 W.L.R. 390, D.C.
reg. 15: James *v.* Cavey [1967] 2 Q.B. 676; [1967] 2 W.L.R. 1239, D.C.

Traffic Signs Regulations and General Directions, 1964 (S.I. 1964, No. 1857)—
reg. 23 (2) (*a*): Kelly *v.* W. R. N. Contracting Ltd. [1968] 1 W.L.R. 921
Sch. 2, dirs. 6, 26 (1): Cooper *v.* Hall [1968] 1 W.L.R. 360, D.C.

Urban District Council Election Rules, 1951 (S.I. 1951, No. 267)—
Sch. 1, rr. 5 (1), 6 (1) (2), 9 (1) (2) (*a*), Appendix: *In re* Melton Mowbray (Egerton Ward) Urban District Council Election [1969] 1 Q.B. 192; [1968] 3 W.L.R. 886, D.C.

War Pensions (Mercantile Marine) Scheme, 1949 (S.I. 1949, No. 1852)—
arts. 2 (4), 3 (1): Freeman *v.* Minister of Pensions and National Insurance [1966] 1 W.L.R. 456

Witham and Steeping Rivers Catchment Board (Black Sluice Internal Drainage District) Order, 1935 (S.R. & O. 1935, No. 300)—
cl. 17: Rippingale Farms Ltd. *v.* Black Sluice Internal Drainage Board [1963] 1 W.L.R 1347, C.A.

Woodworking Machinery Regulations, 1922 (S.R. & O. No. 1196 of 1926)—
regs. 10, 21: Harriman *v.* Martin [1962] 1 W.L.R. 739, C.A.

STANDARD FORMS OF CONTRACT JUDICIALLY CONSIDERED

Building Contract—Leyland Construction Co. Ltd. Development Contract—
  cl. 1: Billyack *v.* Leyland Construction Co. Ltd. [1968] 1 W.L.R. 471

Building Contract—R.I.B.A. (1939, Rev. 1957)—
  Condition 14: AMF International Ltd. *v.* Magnet Bowling Ltd. [1968] 1 W.L.R. 1028

National Conditions of Sale (16th ed.)—
  Condition 12 (3): Hancock *v.* B. W. Brazier (Anerley) Ltd. [1966] 1 W.L.R. 1317, Diplock L.J. and C.A.

National Conditions of Sale (17th ed.)—
  Condition 2 (1) (3) (4): Richards *v.* Phillips [1969] 1 Ch. 39; [1968] 2 W.L.R. 14; [1969] 1 Ch. 39; [1968] 3 W.L.R. 33, C.A.
  Condition 4 (1): Smith *v.* Mansi [1963] 1 W.L.R. 26, C.A.
  Condition 6: *In re* Hewitt's Contract [1963] 1 W.L.R. 1298
  Condition 7: Joel *v.* Montgomery & Taylor Ltd. [1967] Ch. 272; [1967] 2 W.L.R. 21
  Conditions 8 (6) (7), 10 (5): Lipmans Wallpaper Ltd. *v.* Mason & Hodghton Ltd. [1969] 1 Ch. 20; [1968] 2 W.L.R. 881
  Condition 12 (1): *In re* Bramwell's Contract [1969] 1 W.L.R. 1659
  Condition 22: Cumberland Court (Brighton) Ltd. *v.* Taylor [1964] Ch. 29; [1963] 3 W.L.R. 313

Plant Hire—Confederation of Plant Hirers' Contract—
  cl. 8: Spalding *v.* Tarmac Civil Engineering Ltd. [1967] 1 W.L.R. 1508, H.L.(E.)

R.I.B.A. contract (1963 ed.)—
  cl. 23 (g): J. Jarvis & Sons Ltd. *v.* Westminster Corpn. [1970] 1 W.L.R. 637, H.L.(E.)
  cl. 27 (a): T. A. Bickerton & Son Ltd. *v.* North West Metropolitan Hospital Board [1970] 1 W.L.R. 607, H.L.(E.)
  cl. 30 (7): Hosier & Dickinson Ltd. *v.* P. & M. Kaye Ltd. [1970] 1 W.L.R. 1611, C.A.

Yacht—Association of British Yacht Agents' Contract—
  cll. 5, 13: Docker *v.* Hyams [1969] 1 W.L.R. 1060, C.A.

OVERSEAS ENACTMENTS JUDICIALLY CONSIDERED

Australia—**Australian Sea-Carriage of Goods Act, 1924** (No. 22 of 1924)—
s. 5: Riverstone Meat Co. Pty. Ltd. *v.* Lancashire Shipping Co. Ltd. [1961] A.C. 807; [1961] 2 W.L.R. 269, H.L.(E.)

————**Commonwealth of Australia Constitution Act, 1900** (63 & 64 Vict. c. 12)—
s. 92: Freightlines & Construction Holding Ltd. *v.* State of New South Wales [1968] A.C. 625; [1967] 3 W.L.R. 749, P.C.

————**Income Tax and Social Services Contribution Assessment Act, 1936–1960**—
ss. 6, 17, 19, 260: Peate *v.* Comr. of Taxation [1967] 1 A.C. 308; [1966] 3 W.L.R. 246, P.C.

————**Income Tax and Social Services Contribution Assessment Act, 1936–1952** (No. 27 of 1936)—
s. 51: B.P. Australia Ltd. *v.* Comr. of Taxation of the Commonwealth of Australia [1966] A.C. 224; [1965] 3 W.L.R. 608, P.C.
Mobil Oil Australia Ltd. *v.* Comr. of Taxation of the Commonwealth of Australia [1966] A.C. 275; [1965] 3 W.L.R. 629, P.C.

————**Income Tax and Social Services Contribution Assessment Act, 1936–1960** (No. 27 of 1936)—
s. 260: Mobil Oil Australia Ltd. *v.* Comr. of Taxation of the Commonwealth of Australia [1966] A.C. 275; [1965] 3 W.L.R. 629, P.C.

————**Insurance Act, 1932–1960** (No. 76 of 1960)—
14: Car Owners' Mutual Insurance Co. Ltd. *v.* Treasurer of the Commonwealth of Australia [1970] A.C. 527; [1969] 3 W.L.R. 374, P.C.

————New South Wales—**Companies Act, 1936**—
s. 148 (1) (*a*): Steen *v.* Law [1964] A.C. 287; [1963] 3 W.L.R. 802, P.C.

————————————**Companies Act, 1961** (No. 71 of 1961)—
s. 185: Blue Metal Industries Ltd. *v.* Dilley [1970] A.C. 827; [1969] 3 W.L.R. 357, P.C.

————————————**Crimes Act, 1900,** No. 40—
s. 23: Parker *v.* The Queen [1964] A.C. 1369; [1964] 3 W.L.R. 70, P.C.

————————————**Industrial Arbitration Act, 1940—1964**—
ss. 5, 8 (1), 88E: Green Cab Service Pty. Ltd. *v.* Whitfield [1966] 1 W.L.R. 179, P.C.

————————————**Interpretation Act, 1897** (No. 4 of 1897)—
s. 21: Blue Metal Industries Ltd. *v.* Dilley [1970] A.C. 827; [1969] 3 W.L.R. 357, P.C.

————————————**Justices Act, 1902,** No. 27—
s. 70 (2): O'Toole *v.* Scott [1965] A.C. 939; [1965] 2 W.L.R. 1160, P.C.

————————————**Road Maintenance (Contribution) Act, 1958–1965**—
ss. 3, 5, 6, 7 (1), 10 (1) (*d*): Freightlines & Construction Holding Ltd. *v.* State of New South Wales [1968] A.C. 625; [1967] 3 W.L.R. 749, P.C.

————————————**Sale of Goods Act, 1923** (No. 1 of 1923)—
s. 28 (1): Pacific Motor Auctions Pty. Ltd. *v.* Motor Credits (Hire Finance) Ltd. [1965] A.C. 867; [1965] 2 W.L.R. 881, P.C.

————————————**Scaffolding and Lifts Act, 1912–1960** (No. 38 of 1912—No. 9 of 1960)—
s. 22 (1) (2) (*g*) (iv) and (v): Utah Construction & Engineering Pty. Ltd. *v.* Pataky [1966] A.C. 629; [1966] 2 W.L.R. 197, P.C.

————————————**Scaffolding and Lifts Regulations, 1912–1960**—
reg. 98: Utah Construction & Engineering Pty. Ltd. *v.* Pataky [1966] A.C. 629; [1966] 2 W.L.R. 197, P.C.

————————————**Stamp Duties Act, 1920–1965**—
s. 102: Thompson *v.* Comr. of Stamp Duties [1969] 1 A.C. 320; [1968] 3 W.L.R. 875, P.C.

————————————**Summary Jurisdiction Act, 1848**—
s. 12: O'Toole *v.* Scott [1965] A.C. 939; [1965] 2 W.L.R. 1160, P.C.

————————————**Supreme Court Procedure Act, 1900–1957**—
ss. 3, 5: Woolworths Ltd. *v.* Stirling Henry Ltd. [1969] 1 A.C. 113; [1968] 3 W.L.R. 364, P.C.

————————————**Trade Union Act, 1881, 1959**—
s. 14 (7): Green Cab Service Pty. Ltd. *v.* Whitfield [1966] 1 W.L.R. 179, P.C.

————————————**Valuation of Land Act, 1916–1959**—
ss. 5, 6, 7, 65, 70: Broken Hill Pty. Co. Ltd. *v.* Valuer-General [1970] A.C. 627; [1969] 3 W.L.R. 379, P.C.

Australia—Queensland—**Liquor Acts, 1912–1958**—
s. 18 (1): Dennis Hotels Pty. Ltd. *v.* State of Queensland [1962] A.C. 25; [1961] 3 W.L.R. 268, P.C.

————————**State Transport Act, 1962** (No. 48 of 1962)—
Western Transport Pty. Ltd. *v.* Kropp [1965] A.C. 914; [1964] 3 W.L.R. 1082, P.C.

————————**State Transport Act, 1960** (No. 48 of 1960)—
Cobb & Co. Ltd. *v.* Kropp [1967] 1 A.C. 141; [1966] 3 W.L.R. 416, P.C.

————————**State Transport Facilities Acts, 1946–1959** (No. 17 of 1946)—
Western Transport Pty. Ltd. *v.* Kropp [1965] A.C. 914; [1964] 3 W.L.R. 1082, P.C.
Pt. IV: Cobb & Co. Ltd. *v.* Kropp [1967] 1 A.C. 141; [1966] 3 W.L.R. 416, P.C.

————————**Succession and Probate Duties Act, 1892–1955** (Statutes, Vol. III; Succession, 1892–1906)—
ss. 4, 12, 55: Comr. of Stamp Duties (Queensland) *v.* Livingston [1965] A.C. 694; [1964] 3 W.L.R. 963, P.C.

————————**Transport Laws Validation Act** (No. 24 of 1962)—
ss. 3, 4, 5: Western Transport Pty. Ltd. *v.* Kropp [1965] A.C. 914; [1964] 3 W.L.R. 1082, P.C.

————Victoria—**Acts Interpretation Act, 1958** (No. 6419 of 1958)—
s. 7 (2): Ogden Industries Pty. Ltd. *v.* Lucas [1970] A.C. 113; [1969] 3 W.L.R. 75, P.C.

——————**Licensing Act, 1928**—
s. 19 (1) (*a*): Dennis Hotels Pty. Ltd. *v.* State of Queensland [1962] A.C. 25; [1961] 3 W.L.R. 268, P.C.

——————**Workers' Compensation Act, 1951** (as amended by Act No. 5676 of 1953)—
ss. 5 (1), 12 (1): Sunshine Porcelain Potteries Pty. Ltd. *v.* Nash [1961] A.C. 927; [1961] 3 W.L.R. 727, P.C.

——————**Workers' Compensation Act, 1958** (No. 6182 of 1958)—
ss. 5 (1), 9 (1): Ogden Industries Pty. Ltd. *v.* Lucas [1970] A.C. 113; [1969] 3 W.L.R. 75, P.C.

——————**Workers' Compensation (Amendment) Act, 1965** (No. 7292 of 1965)—
s. 5 (1): Ogden Industries Pty. Ltd. *v.* Lucas [1970] A.C. 113; [1969] 3 W.L.R. 75, P.C.

Bahama Islands—**Homicide (Special Defences) Act, 1959**—
s. 2: Rose *v.* The Queen [1961] A.C. 496; [1961] 2 W.L.R. 506, P.C.

——————**Penal Code**—
ss. 336, 345: Rolle *v.* The Queen [1965] 1 W.L.R. 1341, P.C.

——————**Real Property Limitation (No. 1) Act, 1833** (c. 124)—
Paradise Beach & Transportation Co. Ltd. *v.* Price-Robinson [1968] A.C. 1072; [1968] 2 W.L.R. 873, P.C.

——————**Real Property Limitation (1874) Act** (c. 216)—
s. 1: Ocean Estates Ltd. *v.* Pinder [1969] 2 A.C. 19; [1969] 2 W.L.R. 1359, P.C.
Paradise Beach & Transportation Co. Ltd. *v.* Price-Robinson [1968] A.C. 1072; [1968] 2 W.L.R. 873, P.C.

Basutoland—**Aliens (Control) Act, 1966** (No. 16 of 1966)—
s. 38: Molefi *v.* Principal Legal Adviser [1970] 3 W.L.R. 338, P.C.

Bermuda—**Young Offenders Act, 1950,** Rev. ed. (1953)—
s. 6 (2): Hardtmann *v.* The Queen [1963] A.C. 746; [1963] 2 W.L.R. 1023, P.C.

British Guiana—**Credit Corporation Ordinance** (Laws of British Guiana, No. 13 of 1954) (as amended)—
ss. 6 (1), 7 (3), 13: British Guiana Credit Corpn. *v.* Da Silva [1965] 1 W.L.R. 248, P.C.

——————**Income Tax Ordinance** (Laws of British Guiana, 1953 Rev., c. 299)—
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————**Bribery (Amendment) Act,** No. 40 of 1958—
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s. 15 (as amended): Shareef *v.* Comr. for Registration of Indian and Pakistani Residents [1966] A.C. 47; [1965] 3 W.L.R. 704, P.C.

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ss. 6, 8: Ponnupillai *v.* Kumaravetpillai [1964] A.C. 155; [1963] 3 W.L.R. 501, P.C.

———**Kandyan Law Declaration and Amendment Ordinance** (c. 39)—

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———**Marriages (General) Ordinance** (Legislative Enactments of Ceylon, 1938 Rev., c. 95)—

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———**Municipal Councils Ordinance (No. 29 of 1947)** (Legislative Enactments of Ceylon, 1956 Rev., c. 252)—

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———**Muslim Mosques and Charitable Trusts or Wakfs Act**, No. 51 of 1956—

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———**Urban Councils Ordinance** (Legislative Enactments of Ceylon, 1956 Rev., c. 255)—

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———**Immigration Ordinance (Fiji)** (No. 33 of 1947)—
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———**Ghana (Consequential Provision) Act, 1960** (8 & 9 Eliz. 2, c. 41)—
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———**Interpretation Ordinance** (Laws of the Gold Coast, 1951, c. 1)—
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———**Estate Duty Ordinance** (Ordinances of Hong Kong, 1950 Rev., c. 111)—
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———**Indian Christian Marriage Act, 1872** (Act XV of 1872)—
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———**Limitation Act** (Act IX of 1908)—
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s. 2: National & Grindlays Bank Ltd. *v.* Kentiles Ltd. [1966] 1 W.L.R. 348, P.C.

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s. 7: National & Grindlays Bank Ltd. *v.* Kentiles Ltd. [1966] 1 W.L.R. 348, P.C.

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s. 2: National & Grindlays Bank Ltd. *v.* Kentiles Ltd. [1966] 1 W.L.R. 348, P.C.

————**Money-lenders Ordinance** (Laws of Kenya, 1948 Rev., c. 307)—
s. 3 (1) (6): Coast Brick & Tile Works Ltd. *v.* Raichand [1967] 1 A.C. 192; [1966] 2 W.L.R. 781, P.C.

Kenya—**Penal Code** (Laws of Kenya, 1948 Rev., c. 24)—
ss. 5, 198, 199, 202: Reg. *v.* Sharmpal Singh [1962] A.C. 188; [1962] 2 W.L.R. 238, P.C.

———**Registration of Titles Ordinance** (Laws of Kenya, 1948 Rev., c. 160)—
ss. 1 (2), 23, 32: Popatlal *v.* Visandji [1962] A.C. 715; [1962] 3 W.L.R. 374, P.C.
ss. 1 (2), 58: Coast Brick & Tile Works Ltd. *v.* Raichand [1967] 1 A.C. 192; [1966] 2 W.L.R. 781, P.C.

———**Wakf Commissioners Ordinance, 1951** (No. 30 of 1951)—
s. 4 (1): Riziki *v.* Sharifa [1964] A.C. 12; [1963] 2 W.L.R. 475, P.C.

Malaya—**Bankruptcy Ordinance, 1959** (No. 20 of 1959)—
ss. 3 (2), 131: Pillai *v.* Comptroller of Income Tax [1970] A.C. 1125; [1970] 2 W.L.R. 1053, P.C.

———**Constitution of the Federation of Malaya** (August 31, 1957)—
arts. 25 (1) (a), 27 (1) (2): Lim *v.* Minister of the Interior, Malaya [1964] 1 W.L.R. 554, P.C.
arts. 135 (1) (2), 140 (1), 144 (1), 162 (1) (4) (6): Kanda *v.* Govt. of Malaya [1962] A.C. 322; [1962] 2 W.L.R. 1153, P.C

———**Courts Ordinance, 1948** (No. 43 of 1948)—
ss. 47, 110 (3), Sch. II, Part A, para. 3: Pillai *v.* Comptroller of Income Tax [1970] A.C. 1125; [1970] 2 W.L.R. 1053, P.C.

———**Election Offences Ordinance** (No. 9 of 1954)—
ss. 33, 34, 36 (as amended), 38, Sch. 2, rr. 10, 15: Devan Nair *v.* Yong Kuan Teik [1967] 2 A.C. 31; [1967] 2 W.L.R. 846, P.C.

———**Geneva Conventions Act, 1962**—
ss. 2, 4 (1), Sch. 3, arts. 4A, 5: Public Prosecutor *v.* Oie Hee Koi [1968] A.C. 829; [1968] 2 W.L.R. 715, P.C.
Sch. 3, art. 4A: Osman Bin Haji Mohamed Ali *v.* Public Prosecutor [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076, P.C.

———**Income Tax Ordinance, 1947** (as amended by the Income Tax (Amendment) Ordinance, 1956)—
s. 40 (1) (3) (4) (5) (6): Government of Federation of Malaya *v.* Rimau Omnibus Co. Ltd. of Ipoh [1962] 1 W.L.R. 1429, P.C.

———**Independence Order in Council, 1957** (S.I. 1957, No. 1533)—
arts. 25 (1) (*a*), 27 (1) (2): Lim *v.* Minister of the Interior, Malaya [1964] 1 W.L.R. 554, P.C.

———**Internal Security Act, 1960** (No. 18 of 1960)—
ss. 57 (1), 58 (1), 80: Public Prosecutor *v.* Oie Hee Koi [1968] A.C. 829; [1968] 2 W.L.R. 715, P.C.
Liew Sai Wah *v.* Public Prosecutor [1969] 1 A.C. 295; [1968] 3 W.L.R. 385, P.C.

———**Moneylenders Ordinance, 1951**—
ss. 3, 15, 16: Hong *v.* Choong Fah Rubber Manufactory [1962] A.C. 209; [1962] 2 W.L.R. 43, P.C.

———**Municipal Ordinance of the Straits Settlements,** c. 133 (No. 8 of 1913), as applied by Municipal (Extended Application) Ordinance, 1948 (No. 3 of 1948), and as amended by Municipal Amendments (No. 2) Ordinance, 1950 (No. 53 of 1950)—
s. 2: Francis *v.* Kuala Lumpur Councillors [1962] 1 W.L.R. 1411, P.C.

———**Police Ordinance (Malaya), 1952**—
ss. 9 (1), 45 (1): Kanda *v.* Government of Malaya [1962] A.C. 322; [1962] 2 W.L.R. 1153, P.C.

———**R.S.C.**—
Ord. 55, r. 5 (a): Ganapathy Chettiar *v.* Periakaruppan Chettiar [1962] 1 W.L.R. 279, P.C.

———**R.S.C., 1957**—
Ord. 58, r. 22 (as amended): Ratnam *v.* Cumarasamy [1965] 1 W.L.R. 8, P.C.
Ord. 70: Ganapathy Chettiar *v.* Periakaruppan Chettiar [1962] 1 W.L.R. 279, P.C.

———**Rubber Supervision Enactment** (No. 10 of 1937)—
ss. 5 (i) (ii), 16 (ii) (iii): Yin *v.* Sam [1962] A.C. 304; [1962] 2 W.L.R. 765, P.C.

———**Rubber Supervision Rules** (as amended to 1941)—
Sch. A.: Yin *v.* Sam [1962] A.C. 304; [1962] 2 W.L.R. 765, P.C.

Malaysia—**Civilian Law Ordinance Act, 1956**—
s. 7 (1) (2): Chin Keow *v.* Government of Malaysia [1967] 1 W.L.R. 813, P.C.

———**Constitution of Malaysia, 1963**—
Pt. X, arts. 132 (1), 135 (2) (3): Munusamy *v.* Public Services Commission [1967] 1 A.C. 348; [1966] 3 W.L.R. 872, P.C.
art. 150: Ningkan *v.* Government of Malaysia [1970] A.C. 379; [1969] 2 W.L.R. 365, P.C.
s. 8 (1), art. 150: Osman Bin Haji Mohamed Ali *v.* Public Prosecutor [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076, P.C.

———**Constitution of Malaysia, 1964** (as amended)—
art. 5, cl. 3: Hussien *v.* Chong Fook Kam [1970] A.C. 942; [1970] 2 W.L.R. 441, P.C.

Malaysia—**Constitution of State of Sarawak, 1963**—

art. 41 (1): Ningkan *v.* Government of Malaysia [1970] A.C. 379; [1969] 2 W.L.R. 365, P.C.

————**Contracts Ordinance** (No. 14 of 1950)—

s. 2 (*a*) (*b*) (*c*) (*d*) (*e*): Kepong Prospecting Ltd. *v.* Schmidt [1968] A.C. 810; [1968] 2 W.L.R. 55, P.C.

s. 71: Siow Wong Fatt *v.* Susur Rotan Mining Ltd. [1967] 2 A.C. 269; [1967] 3 W.L.R. 487, P.C.

————**Courts of Judicature Act, 1964** (No. 7 of 1964)—

ss. 4, 7, 23, 24 (*c*): Pillai *v.* Comptroller of Income Tax [1970] A.C. 1125; [1970] 2 W.L.R. 1053, P.C.

s. 60 (1): Chung Kum Moey *v.* Public Prosecutor for Singapore [1967] 2 A.C. 173; [1967] 2 W.L.R. 657, P.C.

s. 66: Public Prosecutor *v.* Yuvaraj [1970] A.C. 913; [1970] 2 W.L.R. 226, P.C.

ss. 67, 74: Devan Nair *v.* Yong Kuan Teik [1967] 2 A.C. 31; [1967] 2 W.L.R. 846, P.C.

s. 69 (4): Aik Hoe & Co. Ltd. *v.* Superintendent of Lands and Surveys, First Division [1969] 1 A.C. 1; [1968] 3 W.L.R. 52, P.C.

s. 74: Lopes *v.* Valliappa Chettiar [1968] A.C. 887; [1968] 3 W.L.R. 92, P.C.

————**Criminal Procedure Code, 1927** (Laws of Federated Malay States, 1934 Rev., c. 6)—

ss. 23 (i) (*a*), 117: Hussien *v.* Chong Fook Kam [1970] A.C. 942; [1970] 2 W.L.R. 441, P.C.

————**Emergency (Criminal Trials) Regulations, 1964**—

ss. 4, 5: Osman Bin Haji Mohamed Ali *v.* Public Prosecutor [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076, P.C.

————**Emergency (Essential Powers) Act, 1964** (No. 30 of 1964)—

s. 2 (1) (4): Osman Bin Haji Mohamed Ali *v.* Public Prosecutor [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076, P.C.

————**Emergency (Federal Constitution and Constitution of Sarawak) Act, 1966**—

ss. 3, 4, 5: Ningkan *v.* Government of Malaysia [1970] A.C. 379; [1969] 2 W.L.R. 365, P.C.

————**Evidence Ordinance** (Laws of Federated Malay States, 1934 Rev., c. 10)—

s. 3: Public Prosecutor *v.* Yuvaraj [1970] A.C. 913; [1970] 2 W.L.R. 226, P.C.

————**Interpretation and General Clause Ordinance, 1948** (Ordinances of Malaysia, No. 7 of 1948)—

s. 2 (97): Osman Bin Haji Mohamed Ali *v.* Public Prosecutor [1969] 1 A.C. 430; [1968] 3 W.L.R. 1076, P.C.

————**Malaysia Act, 1963** (No. 26 of 1963)—

ss. 73, 87, 89: Pillai *v.* Comptroller of Income Tax [1970] A.C. 1124; [1970] 2 W.L.R. 1053, P.C.

————**Motor Vehicles (Construction and Use) Rules, 1959**—

rr. 93, 94: Tan Chye Choo *v.* Chong Kew Moi [1970] 1 W.L.R. 147, P.C.

————**Prevention of Corruption Act** (No. 42 of 1961)—

ss. 4 (*a*), 14: Public Prosecutor *v.* Yuvaraj [1970] A.C. 913; [1970] 2 W.L.R. 226, P.C.

————**Road Traffic Ordinance** (No. 49 of 1958)—

Tan Chye Choo *v.* Chong Kew Moi [1970] 1 W.L.R. 147, P.C.

Malta—**Criminal Code** (Laws of Malta, 1942 Rev., c. 12)—

ss. 35 (4), 234, 239: Broadhurst *v.* The Queen [1964] A.C. 441; [1964] 2 W.L.R. 38, P.C.

————**Malta (Constitution) Order in Council, 1961, Part II**—

ss. 11 (1), 13, 14: Olivier *v.* Buttigieg [1967] 1 A.C. 115; [1966] 3 W.L.R. 310, P.C.

Mauritius—**Local Government Ordinance, 1962** (Ordinance No. 16 of 1962)—

s. 73 (1): Port Louis Corpn. *v.* Attorney-General of Mauritius [1965] A.C. 1111; [1965] 3 W.L.R. 67, P.C.

New Zealand—**Dairy Production and Marketing Board Act** (No. 5 of 1961)—

Jeffs *v.* New Zealand Dairy Production and Marketing Board [1967] 1 A.C. 551; [1967] 2 W.L.R. 136, P.C.

————**Health Act** (No. 65 of 1956)—

s. 23: Attorney-General of New Zealand *v.* Lower Hutt City Corpn. [1964] A.C. 1469; [1964] 3 W.L.R. 584, P.C.

————**Land and Income Tax Act** (No. 67 of 1954)—

ss. 86 (1) (i), 149 (1) (2): Australian Mutual Provident Society *v.* Inland Revenue Comr. [1962] A.C. 135; [1961] 3 W.L.R. 1313, P.C.

————**Land Transfer Act, 1952** (No. 52 of 1952)—

ss. 2, 42, 62, 63, 75, 80, 81, 85, 100, 172, 182, 183: Frazer *v.* Walker [1967] 1 A.C. 569; [1967] 2 W.L.R. 411, P.C.

ss. 42, 62, 136–148: Miller *v.* Minister of Mines [1963] A.C. 484; [1963] 2 W.L.R. 92, P.C.

————**Mining Act, 1908** (No. 120 of 1908)—

s. 102: Miller *v.* Minister of Mines [1963] A.C. 484; [1963] 2 W.L.R. 92, P.C.

————**Mining Act, 1926** (No. 15 of 1926)—

ss. 58, 97 (4), 106: Miller *v.* Minister of Mines [1963] A.C. 484; [1963] 2 W.L.R. 92, P.C.

New Zealand—**Mortgagors and Lessees Rehabilitation Act, 1936** (No. 33 of 1936)—
s. 84 (1) (*c*): "Truth" (N.Z.) Ltd. *v.* Howey [1963] A.C. 501; [1963] 2 W.L.R. 1353, P.C.

——————**Municipal Corporations Act, 1954** (No. 76 of 1954)—
ss. 240, 288: Attorney-General of New Zealand *v.* Lower Hutt City Corpn. [1964] A.C. 1469; [1964] 3 W.L.R. 584, P.C.

——————**National Expenditure Adjustment Act, 1932** (No. 8 of 1932)—
s. 41 (1) (2) (4): "Truth" (N.Z.) Ltd. *v.* Howey [1963] A.C. 501; [1963] 2 W.L.R. 1353, P.C.

——————**Pharmacy Act, 1939** (No. 33 of 1939)—
s. 33 (1) (*e*): Boots Chemists (New Zealand) Ltd. *v.* Chemists' Service Guild of New Zealand Inc. [1968] A.C. 457; [1967] 3 W.L.R. 1121, P.C.

——————**Pharmacy Amendment Act, 1954** (No. 81 of 1954)—
ss. 3, 4, 7, 12, 13, 15: Boots Chemists (New Zealand) Ltd. *v.* Chemists' Service Guild of New Zealand Inc. [1968] A.C. 457; [1967] 3 W.L.R. 1121, P.C.

——————**Pharmacy Amendment Act, 1957** (No. 102 of 1957)—
Boots Chemists (New Zealand) Ltd. *v.* Chemists' Service Guild of New Zealand Inc. [1968] A.C. 457; [1967] 3 W.L.R. 1211, P.C.

——————**Wages Protection and Contractors' Liens Act** (No. 27 of 1939)—
ss. 21, 25, 41: Farrier-Waimak Ltd. *v.* Bank of New Zealand [1965] A.C. 376; [1964] 3 W.L.R. 1030, P.C.

Nigeria—**Commissions and Tribunals of Inquiry Act, 1961** (No. 26)—
ss. 3 (1) (4), 8 (*a*) (*b*) (*c*) (*d*), 15 (*a*), 18 (1) (*b*): Balewa *v.* Doherty [1963] 1 W.L.R. 949, P.C.

————**(Constitution) Order in Council, 1960** (S.I. 1960, No. 1652)—
Sch. II (Constitution of the Federation of Nigeria): Balewa *v.* Doherty [1963] 1 W.L.R. 949, P.C.
Sch. II (Constitution of the Federation of Nigeria), s. 114 (1) (*c*); Sch. IV (Constitution of Western Nigeria), s. 33 (10): Adegbenro *v.* Akintola [1963] A.C. 614; [1963] 3 W.L.R. 64, P.C.

————**Lagos Town Planning Ordinance** (Laws of Nigeria, 1948 Rev., c. 103)—
ss. 38 (1), 42 (1) (4): Lababedi *v.* Lagos Executive Development Board [1962] A.C. 800; [1962] 3 W.L.R. 740, P.C.

Nigeria and Lagos (Federation of)—**United Kingdom Designs (Protection) Ordinance** (Laws of Nigeria, 1958 Rev., c. 204)—
s. 3: Khawam *v.* K. Chellaram & Sons (Nig.) Ltd. [1964] 1 W.L.R. 711, P.C.

Northern Ireland—**Civil Authorities (Special Powers) Act, 1922** (12 & 13 Geo. 5, c. 5)—
s. 1 (1) (3) (4), Sch.: McEldowney *v.* Forde [1969] 3 W.L.R. 179, H.L.(N.I.)

————————**Civil Authorities (Special Powers) Act Regulations, 1922** (1922 No. 35)—
reg. 24A: McEldowney *v.* Forde [1969] 3 W.L.R. 179, H.L.(N.I.)

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————————**Health Services Act, 1948** (11 & 12 Geo. 6, c. 3)—
s. 21: Northern Ireland Hospitals Authority *v.* Whyte [1963] 1 W.L.R. 882, H.L.(N.I.)

Rhodesia—**Emergency Powers Act, 1960** (No. 48 of 1960)—
ss. 3 (2), 4: Madzimbamuto *v.* Lardner-Burke [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229, P.C.

————**Law and Order (Maintenance) Act, 1960**—
s. 33A (1) (*a*) (*c*) (as amended): Mapolisa *v.* The Queen [1965] A.C. 840; [1965] 2 W.L.R. 199, P.C.

————**Law and Order (Maintenance) Act** (Southern Rhodesia) (No. 53 of 1960)—
s. 33 (1): Runyowa *v.* The Queen [1967] 1 A.C. 26; [1966] 2 W.L.R. 877, P.C.

————**Law and Order (Maintenance) Act** (Southern Rhodesia) (No. 35 of 1962)—
s. 33A: Runyowa *v.* The Queen [1967] 1 A.C. 26; [1966] 2 W.L.R. 877, P.C.

————**Law and Order (Maintenance) Act** (Southern Rhodesia) (No. 12 of 1963)—
s. 33A (1): Runyowa *v.* The Queen [1967] 1 A.C. 26; [1966] 2 W.L.R. 877, P.C.

————**Law and Order (Maintenance) Act (Southern Rhodesia)** (No. 12 of 1964)—
s. 37: Runyowa *v.* The Queen [1967] 1 A.C. 26; [1966] 2 W.L.R. 877, P.C.

————**Southern Rhodesia (Constitution) Order in Council, 1961** (S.I. 1961, No. 2314)—
ss. 58 (1), 69 (1), 71 (5), 72 (2), 105, 107, 111: Madzimbamuto *v.* Lardner-Burke [1969] 1 A.C. 645; [1968] 3 W.L.R. 1229, P.C.
s. 60: Runyowa *v.* The Queen [1967] 1 A.C. 26; [1966] 2 W.L.R. 877, P.C.

————**Southern Rhodesia (Constitution) Order, 1965** (S.I. 1965, No. 1952)—
ss. 2, 3 (1) (5), 4, 6: Madzimbamuto *v.* Lardner-Burke [1969] 1 A.C. 645; [1968] 3 W.L.R 1229, P.C.

Rhodesia and Nyasaland—**Criminal Procedure and Evidence Act** (c. 28)—
s. 303: Malindi *v.* The Queen [1967] 1 A.C. 439; [1966] 3 W.L.R. 913, P.C.

————————**Federation of Rhodesia and Nyasaland Income Tax Act, 1954**—
s. 13 (1) (2) (*a*): Comr. of Taxes *v.* Nchanga Consolidated Copper Mines Ltd. [1964] A.C. 948; [1964] 2 W.L.R. 339, P.C.

————**Land Code** (Laws of Sarawak, 1958, vol. IV, c. 81)—
ss. 59, 60 (1) (*a*), 66, 68: Aik Hoe & Co. Ltd. *v.* Superintendent of Lands and Surveys, First Division [1969] 1 A.C. 1; [1968] 3 W.L.R. 52, P.C.

Saint Lucia—**Land Acquisition Ordinance** (Laws of St. Lucia, 1957 Rev., c. 109)—
s. 3 (1): Williams *v.* Government of Saint Lucia [1970] A.C. 935; [1970] 2 W.L.R. 326, P.C.

Sarawak—**Inland Revenue Ordinance, 1960** (No. 13 of 1960, 1966 reprint)—
ss. 22, 28, 29, 43: Borneo Airways Ltd., Kuching *v.* Comr. of Inland Revenue, Kuching [1970] A.C. 929; [1970] 2 W.L.R. 321, P.C.

Seychelles—**Civil Code**—
art. 180: Choppy *v.* Bibi [1967] 1 A.C. 158; [1966] 2 W.L.R. 711, P.C.

————**Matrimonial Causes Ordinance, 1949** (c. 91 of 1949)—
ss. 3, 14 (2), 15: Choppy *v.* Bibi [1967] 1 A.C. 158; [1966] 2 W.L.R. 711, P.C.

————**Matrimonial Causes Rules, 1949**—
r. 2: Choppi *v.* Bibi [1967] 1 A.C. 158; [1966] 2 W.L.R 711, P.C.

Sierra Leone—**Constitution (Amendment) (No. 2) Act, 1962** (No. 12 of 1962)—
ss. 1, 2, 3, 4: Akar *v.* Attorney-General of Sierra Leone [1970] A.C. 853; [1969] 3 W.L.R. 970, P.C.

——————**Constitution (Amendment) (No. 3) Act, 1962** (No. 39 of 1962)—
Akar *v.* Attorney-General of Sierra Leone [1970] A.C. 853; [1969] 3 W.L.R. 970, P.C.

——————**Courts (Appeals) Ordinance, 1960**—
s. 20 (1): Rakar *v.* The Queen [1967] 1 A.C. 241; [1966] 3 W.L.R. 986, P.C.

——————**Independence Act, 1961** (**9 & 10** Eliz. 2, c. 16)—
Buck *v.* Attorney-General [1965] Ch. 745; [1964] 3 W.L.R. 850
s. 1, Sch. 2, para. 6: Akar *v.* Attorney-General of Sierra Leone [1970] A.C. 853; [1969] 3 W.L.R. 970, P.C.

——————**Jurors and Assessors Ordinance** (Laws of Sierra Leone, 1960 Rev., c. 38)—
s. 20 (1): Rakar *v.* The Queen [1967] 1 A.C. 241; [1966] 3 W.L.R. 986, P.C.

——————**R.S.C.**—
Ord. 50, r. 1: MacFoy *v.* United Africa Co. Ltd. [1962] A.C. 152; [1961] 3 W.L.R. 1405, P.C.
Ord. 52, r. 3: MacFoy *v.* United Africa Co. Ltd. [1962] A.C. 152; [1961] 3 W.L.R. 1405, P.C.

——————**Sierra Leone (Constitution) Order in Council, 1961** (S.I. 1961, No. 741)—
Buck *v.* Attorney-General [1965] Ch. 745; [1964] 3 W.L.R. 850; [1965] Ch. 745; [1965] 2 W.L.R. 1033, C.A.
Sch. 2, cc. I, II, IV, ss. 1, 3, 23, 42, 43: Akar *v.* Attorney-General of Sierra Leone [1970] A.C. 853; [1969] 3 W.L.R. 970, P.C.

Singapore—**Advocates and Solicitors Ordinance** (1955 Rev., c. 188, Part III)—
ss. 25, 26, 27, 28, 29, 30: Lau Liat Meng *v.* Disciplinary Committee [1968] A.C. 391; [1967] 3 W.L.R. 877, P.C.

————**Control of Rent Ordinance, No. 22 of 1953** (Laws of Singapore, 1955 Rev., c. 242)—
ss. 14, 15 (1) (*g*), 27, 28: Alwee Al-Junied *v.* Reshty [1969] 2 A.C. 337; [1969] 2 W.L.R. 1202, P.C.
ss. 14, 15 (1) (*h*): Cheong *v.* Oversea Chinese Banking Corpn. Ltd. [1969] 2 A.C. 189; [1969] 2 W.L.R. 1352, P.C.

————**Immigration Ordinance, 1952** (as amended by Ordinance No. 22 of 1959)—
ss. 6 (2) (3), 9 (1) (3): Lim Chin Aik *v.* The Queen [1963] A.C. 160; [1963] 2 W.L.R. 42, P.C.

————**Income Tax Ordinance** (Laws of Singapore, 1955 Rev., c. 166)—
ss. 10 (1) (*a*) (*d*), 35 (1) (7A), 44 (1) (2) (3) (4) (5): Sim Lim Investments Ltd. *v.* Attorney-General, Singapore [1970] A.C. 923; [1970] 2 W.L.R. 336, P.C.

————**Motor Vehicles (Third Party Risks and Compensation) Ordinance, No. 1 of 1960**—
s. 17 (2) (3): Lau Liat Meng *v.* Disciplinary Committee [1968] A.C. 391; [1967] 3 W.L.R. 877, P.C.

————**Registration of Deeds Ordinance, 1886** (Laws of Singapore, 1955 Rev., c. 255)—
ss. 2, 7 (2) (3): Chung Khiaw Bank Ltd. *v.* United Overseas Bank Ltd. [1970] A.C. 767; [1970] 2 W.L.R. 858, P.C.

Straits Settlements—**Municipal Ordinance** (Laws of the Straits Settlements, 1936 Rev., c. 133)—
s. 17 (1): Pillai *v.* Singapore City Council [1968] 1 W.L.R. 1278, P.C.
ss. 144 (1) (7) (11) (12), 392: Cheong *v.* Oversea Chinese Banking Corpn. Ltd. [1969] 2 A.C. 139; [1969] 2 W.L.R. 1352, P.C.

Tanganyika—**Land (Law of Property and Conveyancing) Ordinance, 1923** (Laws of Tanganyika, 1947 Rev., c. 114)—
s. 2 (1): Premchand Nathu & Co. Ltd. *v.* Land Officer [1963] A.C. 177; [1963] 2 W.L.R. 99, P.C.

————**Land Ordinance** (Laws of Tanganyika, 1947 Rev., c. 113)—
s. 10 (*f*): Premchand Nathu & Co. Ltd. *v.* Land Officer [1963] A.C. 177; [1963] 2 W.L.R. 99, P.C.

Trengganu—**Civil Procedure Code**—
s. 75: Chua Chee Chor *v.* Chua Kim Yong [1962] 1 W.L.R. 1464, P.C.

Trinidad and Tobago—**Income Tax Ordinance** (Laws of Trinidad and Tobago, 1950 Rev., c. 33, No. 1)—
ss. 10 (1) (*f*), 12, 18, 34 (2): Reynolds *v.* Comr. of Income Tax [1967] 1 A.C. 1; [1966] 2 W.L.R. 408, P.C.

————**Industrial Stabilisation Act, 1965** (No. 8 of 1965)—
Collymore *v.* Attorney-General [1970] A.C. 538; [1970] 2 W.L.R. 223, P.C.

————**Port of Spain Corporation Ordinance** (1950 Rev., c. 39, No. 1)—
s. 208 (2) (4): Mauritzen *v.* Gordon Grant & Co. Ltd. [1964] A.C. 1429; [1964] 3 W.L.R. 217, P.C.

————**Rent Restriction Ordinance** (1950 Rev., c. 27, No. 18)—
s. 14 (1) (*b*) (3): Mauritzen *v.* Gordon Grant & Co. Ltd. [1964] A.C. 1429; [1964] 3 W.L.R. 217, P.C.

————**Summary Offences Ordinance** (Laws of Trinidad and Tobago, Rev. c. 4, No. 17)—
s. 36: Felix *v.* Thomas [1967] 1 A.C. 292; [1966] 3 W.L.R. 902, P.C.

————**Trinidad and Tobago (Constitution) Order in Council, 1962** (S.I. 1962, No. 1875)—
Collymore *v.* Attorney-General [1970] A.C. 538; [1970] 2 W.L.R. 223, P.C.

Uganda—**Companies Ordinance** (Laws of Uganda, 1951, c. 212)—
s. 214 (1): Tejani *v.* Official Receiver [1963] 1 W.L.R. 59, P.C.

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